

**City of Brigantine  
Atlantic County**

**Housing Element of the Master Plan  
Fair Share Plan**

Adopted by the Planning Board on June 30, 2025, by Resolution 16-2025  
Endorsed by the Governing Body on June 25, 2025 by Resolution 2025-153

**Amended February 13, 2026**

Adopted by the Planning Board on February 25, 2026, by Resolution 2026-PB2-HEFSP  
Endorsed by the Governing Body on March 4, 2026 by Resolution 2026-75

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**City of Brigantine  
Atlantic County**

**Housing Element of the Master Plan  
Fair Share Plan**

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and sealed in accordance with NJAC 13:41-1.3

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## **2026 AMENDMENT**

The 2025 Housing Element and Fair Share Plan (HEFSP) is being amended in accordance with a “Mediation Agreement Before the Affordable Housing Dispute Resolution Program” between the City of Brigantine and Fair Share Housing Center signed December 18, 2025, and January 16, 2026. This agreement is included Appendix.

The specifics of this amendment include increasing the affordable housing set-asides in the existing overlay zoning districts from 15% to 20%. The 2025 HEFSP is also being amended to remove the Third-Round adjustment of prospective need obligation as per the Jacobson decision but continues to reserve the right to revisit the Third-Round prospective need at a future date.

## **EXECUTIVE SUMMARY**

The City of Brigantine (“City” or “Brigantine”) has prepared this plan in response to the enactment of Assembly Bill 4 signed by the Governor in 2024. This legislation abolished the Council on Affordable Housing (“COAH”), the State agency responsible for administering and overseeing affordable housing plans. The legislation also amended affordable housing regulations as provided for in the Fair Housing Act (FHA) and set deadlines for municipalities for reporting and filing a Fourth-Round Housing Element and Fair Share Plan (“HEFSP”).

In accordance with the amendments to the FHA, Brigantine accepted the Department of Community Affairs’ (“DCA”) calculations of the Municipality’s Present Need and Prospective Need in a binding resolution 2025-34 on January 15, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program (“the Program”) through a Complaint for Declaratory Relief in accordance with the

Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On March 27, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the municipality consistent with the DCA calculations: Present Need of 13 and Prospective Need of 19.

This plan provides for the Municipality's Fourth-Round affordable housing obligation as calculated by the DCA and fixed by the Courts. The City has updated its approved Vacant Land Adjustment ("VLA") from its Third-Round Plan to identify any new or underutilized properties that may add to the City's Realistic Development Potential ("RDP"). The City's VLA from the Court-approved Third-Round Fair Share Plan included a Third-Round RDP of 0 and an Unmet Need of 511. The updated VLA for the Fourth-Round identified several vacant properties, none of which would create an additional RDP. In the Fourth-Round the City identifies an RDP of 0 and an Unmet Need of 19.

The City's Third-Round obligation as provided for in the 2018 Court-approved settlement agreement provides for an affordable housing obligation that is substantially higher than what would be required under the methodology approved in the 2018 Jacobson decision.<sup>1</sup> The City is reserving the right to provide for a reduction of their Third-Round obligation based on this decision at a future date.

The City has created several affordable units through a market to affordable program. The City has also provided for the construction of five affordable apartments with the Volunteers of America Delaware Valley organization, with preference for veterans. The City has created three overlay zones and a mandatory

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<sup>1</sup> In re Application of Municipality of Princeton, also known as the "Jacobson Decision" established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court's decision in calculating Third Round affordable housing obligations. This decision is also referred to in the 2024 FHA Amendments.

set-aside ordinance which will also provide opportunities to create new affordable housing units.

Over the years the regulations pertaining to each Round of Affordable Housing obligations have changed. In preparing the Fourth-Round components of the Fair Share Plan, the FHA as amended (N.J.S.A. 52:27D-310, et seq.), was followed. This Plan also follows the requirements of N.J.A.C. 5:93. where appropriate, as called for by the recent FHA amendments.

## INTRODUCTION

The City of Brigantine Beach is located in Atlantic County, consisting of 10.36 square miles of which 6.4 square miles (61.7%) is land area and the remaining is water. The City has a 3.4-mile beach which runs along the Atlantic Ocean and extends on the north to the Forsythe Refuge. The City is just north of Atlantic City and east of Absecon and Galloway Township. The City is a barrier island community, incorporated in 1924 as the City of Brigantine and known as Brigantine Beach. Historically the area was incorporated as Brigantine Beach Borough in 1890 and later reincorporated as the City of Brigantine City in 1897. In 1914 the City was renamed the City of East Atlantic City which lasted until 1924 when the City of Brigantine was incorporated and included additional areas of Galloway Township from the west.

The only access to the City is from the Brigantine Bridge off of State Highway Route 30. The island's main roadway is Brigantine Avenue extending from the south to the north. On the south end of the island are condominium and single family residential and The Cove Beach. The Island's commercial corridor is primarily located along Brigantine Avenue with the main shopping center located as you enter the Island before the Brigantine Circle.

In 2015 the City of Brigantine filed an Application for Declaratory Judgment seeking Temporary Immunity from Mount Laurel Lawsuits. The Superior Court of New Jersey Law Division Atlantic County (Docket No. L-1504-15) granted the City Temporary Immunity provided the City file a HEFSP addressing their future affordable housing obligation. The City entered into a settlement agreement with FSHC on May 8, 2018 which provided for the City's Third Round Prospective Need running from 1999 through 2025 as 511 units. The settlement agreement provided for a RDP of 0, based on the available vacant parcels in the municipality and included mechanisms to meet the City's unmet need affordable housing obligations. That

settlement agreement was approved by the Court at a duly-noticed Fairness and Compliance Hearing on June 12, 2018.

Consistent with the settlement agreement, the City adopted a HEFSP on August 8, 2018. The Plan included the Mount Laurel compliance techniques through which the municipality would satisfy its Round 3 obligation. The 2018 Plan included a number of ancillary documents, including a Spending Plan that (1) accounts for the funds to be deposited through 2025, into the City's Mount Laurel Trust Fund; and (2) demonstrates the manner in which the City intends to expend the funds to advance the interests of the region's low- and moderate-income households. The Court approved the City's Third Round HEFSP and entered a Final Judgment of Compliance and Repose for the City on December 31, 2018.

In accordance with the amendments to the FHA, the City accepted the Department of Community Affairs' (DCA) calculations of the City's Present Need and Prospective Need in a binding resolution 2025-34 on January 15, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On March 27, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the City consistent with the DCA calculations: Present Need of 13 and Prospective Need as 19.

This Plan maintains the components in the Court-approved Third-Round Plan, with no changes to the components. This plan does review the total Third-Round obligation given recent court decisions and changes to the FHA. This plan also provides for the Borough's Fourth-Round affordable housing obligation and updates the Borough's Vacant Land Adjustment.

## AFFORDABLE HOUSING HISTORY IN NEW JERSEY

Affordable housing has been embedded in New Jersey land use regulations and policy since the 1975 New Jersey Supreme Court decision, *Southern Burlington NAACP v Mount Laurel Township*, known as “Mount Laurel I.” Following a challenge to Mount Laurel’s zoning the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety and choice of housing types affordable to low- and moderate-income households. This decision formed the foundation of affordable housing planning and regulations in the State.

In 1983 New Jersey Supreme Court in *Southern Burlington County NAACP v. Mount Laurel Township*, 92 N.J. 158 (1983) or “Mount Laurel II” extended the constitutional obligation to all municipalities within a “growth area” as designated in the State Development Guide Plan. This decision also created an opportunity for builders to challenge municipal ordinances, in certain circumstances, for the right to build affordable housing on land that was not zoned to permit the use or density. This is what was termed a “Builder’s Remedy” for municipalities that did not provide for their constitutional obligation of affordable housing.

In response to Mount Laurel II, the State adopted the New Jersey Fair Housing Act in 1985 which created the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation. COAH was charged with promulgating regulations to establish housing regions, estimate the state’s low- and moderate-income needs, and set criteria for municipal compliance through adopted housing elements and fair share plans.

COAH established a municipality’s first round affordable housing obligation for a period of six-years, from 1987 to 1993. The rules established by COAH created both a rehabilitation (present need) obligation and a new construction (prospective need) obligation. In 1994, COAH adopted new regulations to address the second

round obligation for the period 1993 to 1999. These regulations also recalculated a portion of the municipal's first round obligation, creating a cumulative obligation from 1987 to 1999, and what is now called the "Prior Round" Obligation.

In 2004 COAH adopted rules and regulations for the Third Round, which defined the round from 1999 to 2014. These regulations changed the way in which COAH calculated a municipality's affordable housing obligation, moving from an absolute number based on available data to what the new regulations termed a "growth share" approach that linked affordable housing obligations to the construction of both residential and non-residential development in the municipality over the third round time period. This was short lived as the New Jersey Appellate Division invalidated key elements of these rules, including the growth share approach to calculating affordable housing obligations, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super 1 (App. Div. 2007). The Court ordered COAH to adopt new rules, which was completed in 2008. The new regulations maintained in large part the growth share approach and extended the third round from 2014 to 2018.

The 2008 regulations were challenged and in 2010 the Appellate Division, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462, upheld the COAH Prior Round regulations, which assigned rehabilitation obligations. However, the Appellate Division invalidated the regulations pertaining to growth share and directed COAH to use similar methods that were set in the First and Second rounds. This decision was reviewed and upheld by the New Jersey Supreme Court in September of 2013 and ordered that COAH adopt new regulations on or before October 22, 2014. COAH failed to adopt the new regulations, and Fair Share Housing Center (FSHC) filed a motion in aid of litigant's rights with the New Jersey Supreme Court. The New Jersey Supreme Court issued a ruling on March 10, 2015, known as "Mount Laurel IV," which set the framework for the Third-Round affordable housing plans.

Mount Laurel IV transferred the responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. This meant that municipalities would need to apply to the Courts if they wish to be protected from exclusionary zoning lawsuits. A shortfall in this decision remained as to how a municipal's affordable obligation would be calculated and left that to the trial courts, with the direction that the obligations be determined in a methodology which was similar to those used in the First and Second Round rules. The decision also directed municipalities to rely on COAH's Second Round rules at N.J.A.C. 5:93 as well as the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) in preparing Third Round Housing Elements and Fair Share Plans.

FSHC was permitted to serve as an interested party in every municipal Declaratory Judgement Action. In determining an affordable housing obligation, FSHC calculated municipal affordable housing obligations, as did an expert for municipalities, and offered to settle with municipalities. Many municipalities entered into Court approved Settlements with FSHC. Those that did not challenged the methodology used by FSHC to determine municipal obligations.

The Third Round, which began with COAH's 2004 rules identified the time period of 1999 to 2014. However, with COAH's stalemate in adopting regulations and the associated court challenges all cumulating past the initial third round period into the 2015 "Mount Laurel IV" decision, the third round was now identified as the period 2015 to 2025. This left a "Gap Period" of 1999 to 2015. In 2017 the New Jersey Supreme Court, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation expanded the definition of the municipal Present Need obligation to include low- and moderate- income households formed during the gap period as a component of the new-construction obligation rather than the rehabilitation obligation.

In 2018 an unpublished decision of the NJ Superior Court, Law Division, Mercer County was rendered In re Application of Municipality of Princeton, also known as the “Jacobson Decision” which established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court’s decision in calculating Third Round affordable housing obligations<sup>2</sup>. The decision came after many municipalities had entered into settlement agreements with FSHC which established a municipality’s affordable housing obligation.

While the Courts were addressing affordable housing policy and regulations, the State of New Jersey adopted two important pieces of legislation which shaped affordable housing policy. In 2008, Governor Corzine signed P.L. 2008. C.46 (referred to as “A500”, or the “Roberts Bill”) which amended the FHA. Key components of this bill include:

Eliminating Regional Contribution Agreements (“RCA”) which allowed a municipality to transfer a portion of their affordable housing obligation to an identified receiving municipality.

Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing

Created a very low-income affordable housing category and required at least 13% of all affordable housing units be restricted as very low-income housing units

Requiring municipalities to commit to spend all collected development fees for affordable housing within four years of the date of collection.

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<sup>2</sup> The Jacobson decision is also referred to in the 2024 FHA amendments providing that the decision “shall be referenced as to datasets and methodologies that are not explicitly addressed” in N.J.S.A. 52:27D-304.3 of the FHA.

The second piece of legislation was adopted in 2024. Governor Murphy signed P.L. 2024, c.2 (referred to as “A4”) which further amended the FHA and abolished COAH, transferring the oversight of a municipality’s Mount Laurel compliance to the courts. The legislation called for the establishment of “the Program” within the courts, which is an Affordable Housing Dispute Resolution Program meant to assist municipalities and interested parties in resolving their disputes prior to further litigation. Additional key components of the Act include:

Giving responsibility to the DCA to provide calculations of municipal present and prospective need using the standards as provided for in the legislation

Establishing monitoring deadlines for all affordable units and trust funds

Establishing mechanisms and bonuses for a municipality to meet its affordable housing obligation

Establishing the Fourth Round of affordable housing obligations from 2025 through 2035

Establishing a deadline of June 30, 2025 for a municipality to file a Housing Element and Fair Share Plan in compliance with the new regulations to remain protected from an exclusionary zoning lawsuit.

This document has been completed to effectuate the requirements of the 2024 FHA amendments utilizing the affordable housing calculations as published by the DCA in October of 2024.

## HOUSING ELEMENT

The 2024 amendments to the Fair Housing Act included changes to what a Housing Element is required to address. The following is required to be part of any newly adopted Housing Element pursuant to N.J.S.A. 52:27D-310-10:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The following sections of this report addresses each of the above referenced requirements.

*A Note on the Data: The following statistics and demographic data are derived from one of the following sources.*

**2023 American Community Survey 5-year Estimates:** *The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year period.*

**2020, 2010, 2000 and 1990 Census:** *The 2020 Census is the most recent decennial census. This information is used when ACS information is unavailable, and sometimes for comparison.*

**NJ Building Permit Data:** *NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.*

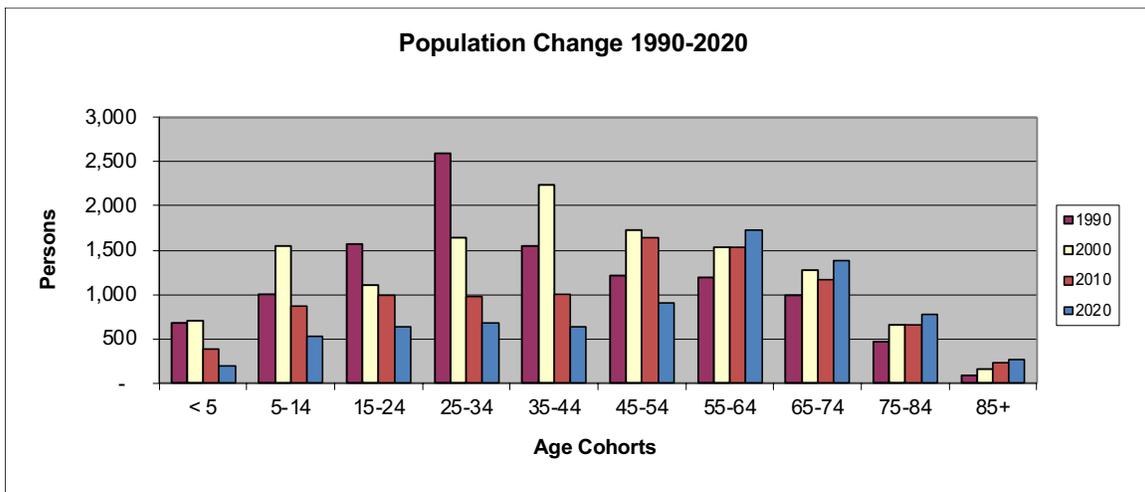
## Demographic Analysis

The City of Brigantine has seen a population decline over the past thirty years, with an 32% decrease in total population. This primarily stems from the ten-year period from 2000 to 2010 where the population decreased by 3,144 persons. The City's population has continued to decline by an additional 1,734 persons. The population numbers remain consistent when reviewing the ACS 5 Year Estimate which provides a population of 7,702 persons. The decline in population does not correlate with a decline in housing units. The primary reason for the population change began with a loss of jobs in Atlantic City, many of the workers resided in Brigantine. This was compounded by the impacts of "Superstorm Sandy" in 2012. What is noticeable now is a shift from year-round residents to seasonal population fluctuations and vacation rentals.

| Population Trends |                    |                 |            |
|-------------------|--------------------|-----------------|------------|
|                   | City of Brigantine | Atlantic County | New Jersey |
| 1990              | 11,354             | 224,327         | 7,730,188  |
| 2000              | 12,594             | 252,552         | 8,414,350  |
| 2010              | 9,450              | 274,549         | 8,791,894  |
| 2020              | 7,716              | 274,534         | 9,288,994  |
| 1990 to 2000      | 10.9%              | 12.6%           | 8.9%       |
| 2000 to 2010      | -25.0%             | 8.7%            | 4.5%       |
| 2010 to 2020      | -18.3%             | 0.0%            | 5.7%       |
| 1990 to 2020      | -32.0%             | 22.4%           | 20.2%      |

Source: US Census Data

To see how the population has changed in terms of age it is helpful to look at the changes over time to the different age-cohorts. From 1990 to 2000 the City's young adult (Ages 25-34) population declined substantially. Over the last 30 years this segment continued to decrease. Overall, the City's 55 and older population has grown, despite the overall population declines. The City's median age shows this change with an increase from 34.2 years in 1990 to 56.8 years in 2020, an increase of almost 23 years.



| 1900 to 2020 Population Profiles or Cohorts - Brigantine |            |       |       |       |                   |              |              |              |
|--|------------|-------|-------|-------|-------------------|--------------|--------------|--------------|
| Age  | Population |       |       |       |                   |              |              |              |
|  | Persons    |       |       |       | Population Change |              |              |              |
|  | 1990       | 2000  | 2010  | 2020  | 1990 to 2000      | 2000 to 2010 | 2010 to 2020 | 2000 to 2020 |
| < 5  | 677        | 701   | 379   | 191   | 3.5%              | -45.9%       | -49.6%       | -72.8%       |
| 5-14   | 1,001      | 1,550 | 875   | 530   | 54.8%             | -43.5%       | -39.4%       | -65.8%       |
| 15-24  | 1,573      | 1,106 | 989   | 629   | -29.7%            | -10.6%       | -36.4%       | -43.1%       |
| 25-34  | 2,591      | 1,649 | 977   | 687   | -36.4%            | -40.8%       | -29.7%       | -58.3%       |
| 35-44  | 1,548      | 2,238 | 1,003 | 636   | 44.6%             | -55.2%       | -36.6%       | -71.6%       |
| 45-54  | 1,219      | 1,728 | 1,639 | 902   | 41.8%             | -5.2%        | -45.0%       | -47.8%       |
| 55-64  | 1,192      | 1,532 | 1,532 | 1,731 | 28.5%             | 0.0%         | 13.0%        | 13.0%        |
| 65-74  | 992        | 1,277 | 1,169 | 1,377 | 28.7%             | -8.5%        | 17.8%        | 7.8%         |
| 75-84  | 469        | 652   | 660   | 773   | 39.0%             | 1.2%         | 17.1%        | 18.6%        |
| 85+  | 92         | 161   | 227   | 260   | 75.0%             | 41.0%        | 14.5%        | 61.5%        |
| <b>18+</b>   |            |       |       |       |                   |              |              |              |
| 18+  | 9,387      | 9,973 | 7,847 | 6,814 | 6.2%              | -21.3%       | -13.2%       | -31.7%       |
| <b>62+</b>   |            |       |       |       |                   |              |              |              |
| 62+  | 1,947      | 2,525 | 2,551 | 2,942 | 29.7%             | 1.0%         | 15.3%        | 16.5%        |
| <b>65+</b>   |            |       |       |       |                   |              |              |              |
| 65+  | 1,553      | 2,090 | 2,056 | 2,410 | 34.6%             | -1.6%        | 17.2%        | 15.3%        |
| <b>Median Age</b>  |            |       |       |       |                   |              |              |              |
| Median Age   | 34.2       | 40.7  | 48.4  | 56.8  | 19.0%             | 18.9%        | 17.4%        | 39.6%        |

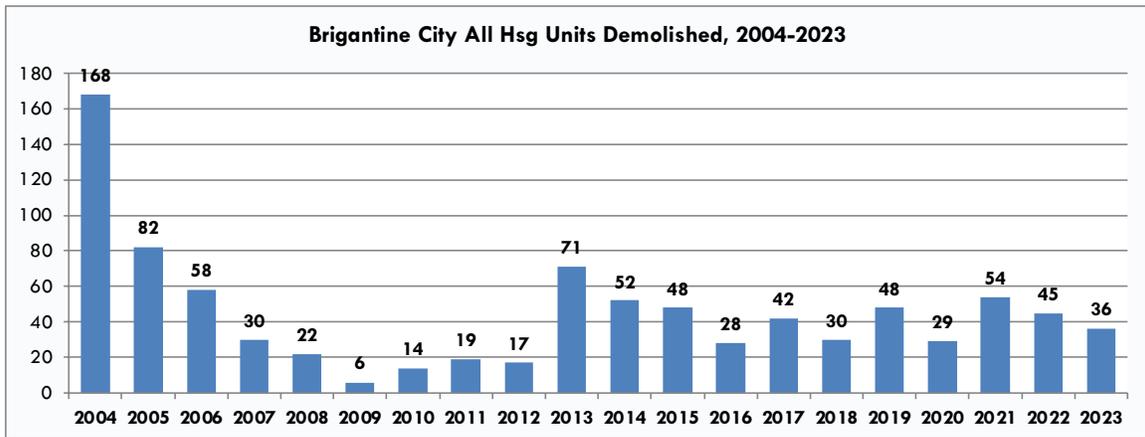
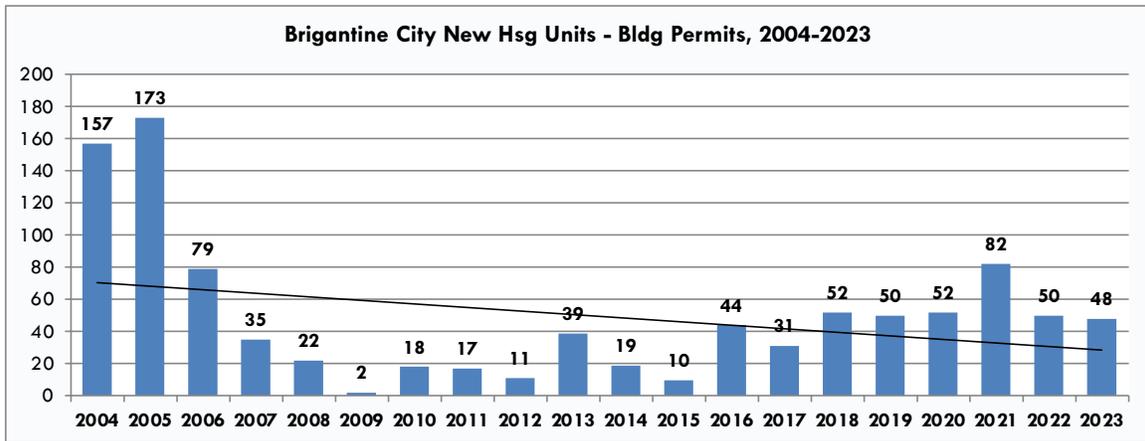
Unlike the decrease of population, the total housing units in the City have remained generally steady, with only a 5.8% increase from 1990 to 2000 and then only ten new units between 2000 and 2020. The ACS 5 year estimates show an increase of 46 new units since 2020, reporting an estimated 9,340 units. The relatively steady housing unit numbers does not correlate to the considerable population decline. This difference is better understood when looking at the changes to the occupancy of housing units over time.

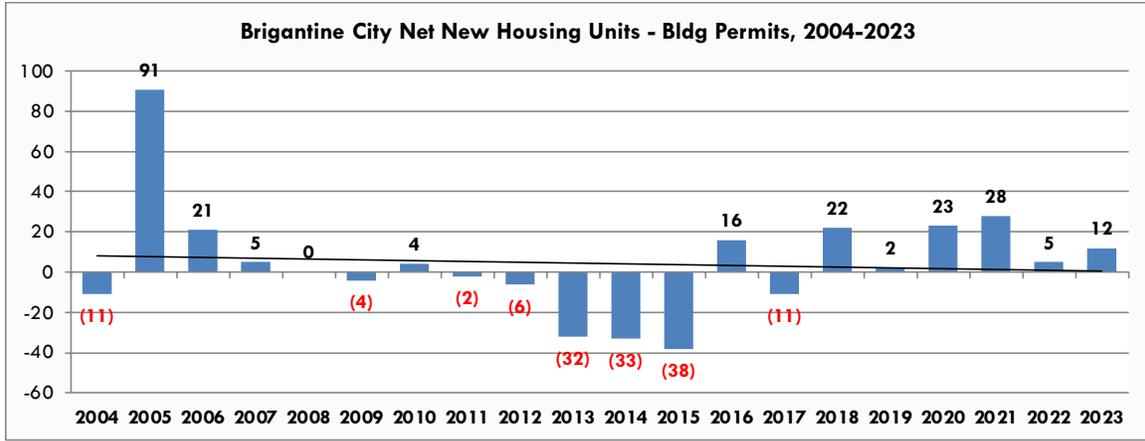
| <b>Housing Trends/Total Housing Units</b> |                           |                        |                   |
|---|---------------------------|------------------------|-------------------|
|   | <b>City of Brigantine</b> | <b>Atlantic County</b> | <b>New Jersey</b> |
| 1990                                      | 8,796                     | 106,877                | 3,075,310         |
| 2000                                      | 9,304                     | 114,090                | 3,310,275         |
| 2010                                      | 9,222                     | 126,647                | 3,553,562         |
| 2020                                      | 9,294                     | 132,038                | 3,761,229         |
| 1990 to 2000                              | 5.8%                      | 6.7%                   | 7.6%              |
| 2000 to 2010                              | -0.9%                     | 11.0%                  | 7.3%              |
| 2010 to 2020                              | 0.8%                      | 4.3%                   | 5.8%              |
| 1990 to 2020                              | 5.7%                      | 23.5%                  | 22.3%             |

The table below shows the total housing units from 2000 through 2010. The total housing units remains generally the same. However, when you look at the occupied housing units and vacant housing units the reason for the population decline becomes apparent. From 2000 to 2010 the total population declined by 25% and the total occupied housing units declined by 22% in the same period. Further, the population declined by 18% between 2010 and 2020, and the occupied housing units also declined 11.6% in the same period. Over the last 20 years the total vacant housing units increased by 43.5%.

| <b>Brigantine Housing Trends</b> |                            |                               |                             |
|----------------------------------|----------------------------|-------------------------------|-----------------------------|
|                                  | <b>Total Housing Units</b> | <b>Occupied Housing Units</b> | <b>Vacant Housing Units</b> |
| 2000                             | 9,304                      | 5,473                         | 3,831                       |
| 2010                             | 9,222                      | 4,294                         | 4,298                       |
| 2020                             | 9,294                      | 3,798                         | 5,496                       |
| 2000 to 2010                     | -0.9%                      | -21.5%                        | 12.2%                       |
| 2010 to 2020                     | 0.8%                       | -11.6%                        | 27.9%                       |
| 2000 to 2020                     | -0.1%                      | -30.6%                        | 43.5%                       |

The State of New Jersey compiles reports of building permits issued for residential purposes which correlates with the census data and shows that there has not been considerable housing growth in the City between 2004 through 2023. Although the tables below show high new housing units, when combined with demolitions of housing units, the net change only 92 new units over a 19-year period. The tables below are sourced from the DCA Residential Development Viewer shows the total building permits and demolition permits issued for housing units in the City from 2004 through 2023.





| 2020 Population by Categories              |            |       |                 |       |            |       |
|--|------------|-------|-----------------|-------|------------|-------|
|  | Brigantine |       | Atlantic County |       | New Jersey |       |
|  | Persons    | %     | Persons         | %     | Persons    | %     |
| <b>Total</b>                               | 7,716      | 100%  | 274,534         | 100%  | 9,288,994  | 100%  |
| <b>Sex</b>                                 |            |       |                 |       |            |       |
| F  | 4,005      | 51.9% | 142,183         | 51.8% | 4,770,289  | 51.4% |
| M  | 3,711      | 48.1% | 132,351         | 48.2% | 4,518,705  | 48.6% |
| <b>Race</b>                                |            |       |                 |       |            |       |
| White                                      | 6,537      | 84.7% | 156,796         | 57.1% | 5,112,280  | 55.0% |
| Black or African American                  | 181        | 2.3%  | 41,519          | 15.1% | 1,219,770  | 13.1% |
| Asian                                      | 386        | 5.0%  | 21,784          | 7.9%  | 950,090    | 10.2% |
| American Indian and Alaska Native          | 20         | 0.3%  | 1,253           | 0.5%  | 51,186     | 0.6%  |
| Native Hawaiian and Other Pacific Islander | 4          | 0.1%  | 342             | 0.1%  | 3,533      | 0.0%  |
| Other                                      | 191        | 2.5%  | 27,192          | 9.9%  | 1,048,641  | 11.3% |
| Two or More Races                          | 397        | 5.1%  | 25,648          | 9.3%  | 903,494    | 9.7%  |
| Hispanic or Latino                         | 488        | 6.3%  | 53,713          | 19.6% | 2,002,575  | 21.6% |
| <b>Age</b>                                 |            |       |                 |       |            |       |
| 25-64                                      | 3,956      | 51.3% | 140,922         | 51.3% | 4,927,277  | 53.0% |
| 65+  | 2,410      | 31.2% | 51,975          | 18.9% | 1,531,299  | 16.5% |
| Median Age                                 | 56.8       | n/a   | 42.5            | n/a   | 39.9       | n/a   |

## Housing Analysis

Census data reflects the total housing units of 9,294, of which 41% are occupied. Of the occupied units 31.4% are rental units. Over 42% of all households are married couples and 31% are single-female households. The median housing value is \$485,000 and the median gross rent is \$1,499. The median housing value is considerably higher than the median housing value in Atlantic County.

| <b>Brigantine Housing Units by Tenant and Occupancy Status</b> |               |              |                       |          |               |          |
|--|---------------|--------------|-----------------------|----------|---------------|----------|
| <b>Year Round Housing Units</b>                                |               |              | <b>Owner-occupied</b> |          | <b>Rental</b> |          |
| <b>Occupied</b>  | <b>Vacant</b> | <b>Total</b> | <b>No.</b>            | <b>%</b> | <b>No.</b>    | <b>%</b> |
| 3,798  | 5496          | 9,294        | 2,606                 | 68.6%    | 1,192         | 31.4%    |

| <b>Summary of Household Characteristics - Brigantine</b> |                       |                   |
|--|-----------------------|-------------------|
|  | <b>No. of Persons</b> | <b>% of Total</b> |
| Total Population   | 7,716                 |                   |
| In Households  | 7,712                 | 99.95%            |
| In Group Quarters  | 4                     | 0.05%             |
| Institutionalized  | 0                     | 0.00%             |
| Non-Institutionalized                                    | 4                     | 0.05%             |
| <b>Total Households</b>                                  |                       |                   |
|  | 3,798                 |                   |
| Married Couple   | 1,613                 | 42.47%            |
| Cohabiting Couple  | 229                   | 6.03%             |
| Single Male  | 779                   | 20.51%            |
| Single Female  | 1,177                 | 30.99%            |
| Source: 2020 Census                                      |                       |                   |

| <b>Selected Housing or Housing Related Characteristics (Occupied Units)</b> |  |                          |                                |                           |                            |
|---|--|--------------------------|--------------------------------|---------------------------|----------------------------|
|   | <b>Median Value Housing (owner-occupied)</b> | <b>Median Gross Rent</b> | <b>Median Household Income</b> | <b>Value Income Ratio</b> | <b>Rental Vacancy Rate</b> |
| Brigantine  | \$485,000                                    | \$1,499                  | \$88,906                       | 5.46                      | 15.2%                      |
| Atlantic County   | \$272,700                                    | \$1,325                  | \$76,819                       | 3.55                      | 4.7%                       |
| Source: ACS 2023 5-year estimates   |  |                          |                                |                           |                            |

Just over 50% of the City's housing stock is single-family detached units with almost 23% of the housing stock containing two-units. Over 30% of the housing units were built in the 1980's. Approximately 35% of the total housing stock is fifty years of age or older. In general, the housing stock has a median room count of 5.5 per unit and over 60% have 3 or more bedrooms per unit.

| <b>Housing Units by Number of Units in Structure</b> |              |                         |
|--|--------------|-------------------------|
| <b>Number of Units</b>                               | <b>Units</b> | <b>Percent of Total</b> |
| 1-unit, Detached                                     | 4,722        | 50.56%                  |
| 1-unit, Attached                                     | 1,262        | 13.51%                  |
| 2 units  | 876          | 9.38%                   |
| 3 or 4 units   | 732          | 7.84%                   |
| 5 to 9 units   | 284          | 3.04%                   |
| 10 to 19 units                                       | 484          | 5.18%                   |
| 20 or more units                                     | 980          | 10.49%                  |
| Mobile Home  | -            | 0.00%                   |
| Other  | -            | 0.00%                   |
| <b>Total</b>   | <b>9,340</b> |                         |
| Source: ACS 2023 5-year estimates                    |              |                         |

| <b>Housing Units by Age</b>       |              |                         |
|-----------------------------------|--------------|-------------------------|
| <b>Year Built</b>                 | <b>Units</b> | <b>Percent of Total</b> |
| 2020 or later                     | 99           | 1.06%                   |
| 2010 to 2019                      | 388          | 4.15%                   |
| 2000 to 2009                      | 772          | 8.27%                   |
| 1990 to 1999                      | 617          | 6.61%                   |
| 1980 to 1989                      | 2,811        | 30.10%                  |
| 1970 to 1979                      | 1,389        | 14.87%                  |
| 1960 to 1969                      | 1,069        | 11.45%                  |
| 1950 to 1959                      | 1,488        | 15.93%                  |
| 1940 to 1949                      | 351          | 3.76%                   |
| 1939 or earlier                   | 356          | 3.81%                   |
| <b>Total</b>                      | <b>9,340</b> |                         |
| Source: ACS 2023 5-year estimates |              |                         |

| <b>Occupied Housing Units by Number of Rooms</b> |                      |                                       |
|--|----------------------|---------------------------------------|
| <b>Rooms</b>                                     | <b>Housing Units</b> | <b>Percent of Total Housing Units</b> |
| 1  | 56                   | 0.6%                                  |
| 2  | 180                  | 1.9%                                  |
| 3  | 842                  | 9.0%                                  |
| 4  | 1,974                | 21.1%                                 |
| 5  | 1,564                | 16.7%                                 |
| 6  | 1,567                | 16.8%                                 |
| 7  | 1,398                | 15.0%                                 |
| 8  | 1,045                | 11.2%                                 |
| 9+   | 714                  | 7.6%                                  |
| <b>Total</b>                                     | <b>9,340</b>         | <b>100.0%</b>                         |
| Median Rooms                                     | 5.5                  |                                       |
| Source: ACS 2023 5-year estimates                |                      |                                       |

| <b>Occupied Housing Units by Number of Bedrooms</b> |                      |                                       |
|---|----------------------|---------------------------------------|
| <b>Bedrooms</b>                                     | <b>Housing Units</b> | <b>Percent of Total Housing Units</b> |
| No Bedrooms   | 71                   | 0.8%                                  |
| 1-Bedroom   | 893                  | 9.6%                                  |
| 2-Bedrooms  | 2,725                | 29.2%                                 |
| 3- Bedrooms   | 3,229                | 34.6%                                 |
| 4-Bedrooms  | 1,677                | 18.0%                                 |
| 5 + Bedrooms  | 745                  | 8.0%                                  |
| <b>Total</b>  | <b>9,340</b>         | <b>100.0%</b>                         |
| Source: ACS 2023 5-year estimates                   |                      |                                       |

Estimated housing values show an estimated 7.8% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. According to ACS 5-year estimates of the 3,954 occupied housing units in Brigantine, no units lack complete kitchen facilities or complete plumbing facilities. Five (5) units are heated using wood sources, 43 have no heating source. Twenty-two (22) units are considered overcrowded, with more than 1.51 occupants per room.

| <b>Housing Value, Owner-Occupied Units</b> |                      |                                       |
|--|----------------------|---------------------------------------|
| <b>Value</b>                               | <b>Housing Units</b> | <b>Percent of Total Housing Units</b> |
| Less than \$50,000                         | 10                   | 0.3%                                  |
| \$50,000 to \$99,999                       | 5                    | 0.2%                                  |
| \$100,000 to \$149,999                     | 54                   | 1.8%                                  |
| \$150,000 to \$199,999                     | 163                  | 5.5%                                  |
| \$200,000 to \$299,999                     | 179                  | 6.1%                                  |
| \$300,000 to \$499,999                     | 1,174                | 39.7%                                 |
| \$500,000 to \$999,999                     | 1,138                | 38.5%                                 |
| \$1,000,000 or more                        | 235                  | 7.9%                                  |
| <b>Total</b>                               | <b>2,958</b>         | <b>100.0%</b>                         |
| Median Housing Value                       | \$ 485,000           |                                       |

Source: ACS 2023 5-year estimates

### Employment Analysis

The median household income in the City is \$88,906, and the median family income is \$119,625. The poverty rate in the City is 9.4% for all persons and 7% for families. Of all persons below the poverty level, 10.7% are over the age of 65.

| <b>Income Levels</b> |                   |           |            |
|----------------------|-------------------|-----------|------------|
|                      | <b>Brigantine</b> |           |            |
|                      | Households        | Families  | Non-Family |
| Median Income        | \$88,906          | \$119,625 | \$60,739   |
| Mean Income          | \$136,635         | \$176,616 | \$81,901   |

Source: ACS 2023 5-year estimates

| <b>Percent Distribution Persons and Families below Poverty Level</b> |                                       |  |   |                                    |
|--|---------------------------------------|--|---|------------------------------------|
|  | <b>Population Below Poverty Level</b> |  |   | <b>Families Below Poverty Line</b> |
|  | <b>All Persons</b>                    | <b>% of All Persons 18+ Years of Age</b> | <b>% of All Persons 65 + Years of Age</b> |                                    |
| Brigantine   | 9.4%                                  | 9.6%                                     | 10.7%                                     | 7.0%                               |
| Atlantic County  | 13.1%                                 | 22.3%                                    | 10.0%                                     | 9.9%                               |
| New Jersey   | 9.8%                                  | 8.8%                                     | 9.5%                                      | 7.0%                               |

Source: ACS 2023 5-year estimates

Affordable housing units are required to be priced to be affordable to low- and moderate-income families within the specified housing region where the municipality is located. Brigantine is located within Region 6 for the purposes of determining housing affordability. Income limits for households ranging from 1 person to 5 persons range from a household income of \$20,655, for a one-person, low-income family up to an income of \$84,983, for a 5-person, moderate income household. Household income reported in the City includes 28% of households with incomes which would fall into the affordable housing income levels.

| <b>Household Income (2023 Inflation Adjusted Dollars)</b> |                              |                                |
|---|------------------------------|--------------------------------|
|   | <b>Brigantine Households</b> | <b>(% of Total Households)</b> |
| Total Households  | 3,954                        | n/a                            |
| Less than \$10,000  | 282                          | 7.1%                           |
| 10,000 - 14,999   | 90                           | 2.3%                           |
| 15,000 - 24,999   | 172                          | 4.4%                           |
| 25,000-34,999   | 255                          | 6.4%                           |
| 35,000 - 49,999   | 255                          | 6.4%                           |
| 50,000 - 74,999   | 598                          | 15.1%                          |
| 75,000 - 99,999   | 451                          | 11.4%                          |
| 100,000 - 149,999   | 6866                         | 173.6%                         |
| 150,000 - 199,999   | 485                          | 12.3%                          |
| 200,000 +   | 680                          | 17.2%                          |

Source: ACS 2023 5-year estimates

| <b>2024 Affordable Housing Region 6 Income Limits</b> |                           |                           |                           |                           |                           |
|---|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|   | <b>1 Person Household</b> | <b>2 Person Household</b> | <b>3 Person Household</b> | <b>4 Person Household</b> | <b>5 Person Household</b> |
| Median Income   | \$ 68,852                 | \$ 78,688                 | \$ 88,524                 | \$ 98,360                 | \$ 106,228                |
| Moderate Income(80% of Median)                        | \$ 55,081                 | \$ 62,950                 | \$ 70,819                 | \$ 78,688                 | \$ 84,983                 |
| Low Income (50% of Median)                            | \$ 34,426                 | \$ 39,344                 | \$ 44,262                 | \$ 49,180                 | \$ 53,114                 |
| Very Low Income (30% of Median)                       | \$ 20,655                 | \$ 23,606                 | \$ 26,557                 | \$ 29,508                 | \$ 31,868                 |

Source: Affordable Housing Professionals of NJ, April 12, 2024

Of the population over the age of 16, 59.4% are in the labor force and 58.6% are employed. The fields of educational services, and health care/social assistance employs 24% of the population. Over 48% of the employed population work in management, business, science and arts.

| <b>EMPLOYMENT STATUS</b>          |              |  |
|-----------------------------------|--------------|--|
|                                   | <b>Total</b> | <b>Percent of Population 16 Years and Over</b> |
| Population 16 years and Over      | 7,019        | 100%   |
| In Labor Force                    | 4,169        | 59.40%   |
| Civilian Labor Force              | 4,110        | 58.56%   |
| Employed                          | 3877         | 55.24%   |
| Unemployed                        | 233          | 3.32%  |
| Armed Forces                      | 59           | 0.84%  |
| Not In Labor Force                | 2,850        | 40.60%   |
| Source: ACS 2023 5-year estimates |              |  |

| <b>Employment by Industry, Civilian Employed population 16 years and over</b>              |                    |             |
|--|--------------------|-------------|
| <b>Occupation</b>  | <b>No. Persons</b> | <b>%</b>    |
| Agriculture, Forestry, Fishing and Hunting, and Mining                                     | 21                 | 0.54%       |
| Construction   | 80                 | 2.06%       |
| Manufacturing  | 229                | 5.91%       |
| Wholesale Trade  | 79                 | 2.04%       |
| Retail Trade   | 402                | 10.37%      |
| Transportation and Warehousing, Utilities  | 55                 | 1.42%       |
| Information  | 8                  | 0.21%       |
| Finance and Insurance, and Real Estate and Rental and Leasing                              | 274                | 7.07%       |
| Professional, Scientific, and Management, and Administrative and Waste Management Services | 566                | 14.60%      |
| Educational Services, and Health Care and Social Assistance                                | 935                | 24.12%      |
| Arts, Entertainment, and Recreation, and Accommodation and Food Services                   | 825                | 21.28%      |
| Other Services, except Public Administration   | 134                | 3.46%       |
| Public Administration  | 269                | 6.94%       |
| <b>Total</b>   | <b>3,877</b>       | <b>100%</b> |
| Source: ACS 2023 5-year estimates  |                    |             |

| <b>Employment by Occupation Civilian Employed population 16 years and over</b> |                    |             |
|--|--------------------|-------------|
| <b>Occupation</b>  | <b>No. Persons</b> | <b>%</b>    |
| Management, Business, Science, and Arts  | 1,868              | 48.18%      |
| Service  | 892                | 23.01%      |
| Sales and Office   | 762                | 19.65%      |
| Natural Resources, Construction and Maintenance                                | 153                | 3.95%       |
| Production, Transportation & Material Moving                                   | 202                | 5.21%       |
| <b>Total</b>   | <b>3,877</b>       | <b>100%</b> |

Source: ACS 2023 5-year estimates

**Affordable Housing Obligation**

A municipality’s affordable housing obligation is spread across different time periods. The most current obligation is related to the Fourth-Round. However, a municipality must also address any prior affordable housing obligations if they have not already been fully satisfied. The following reviews all components of Brigantine’s affordable housing obligation beginning in 1987 and extending through 2035.

The following table identifies the Municipality’s comprehensive affordable housing obligation:

|   |            |
|---|------------|
| Present Need/Rehab Obligation               | 13         |
| Prior Round (1987-1999)                     | 124        |
| Round 3 Settlement (1999-2025) <sup>3</sup> | 511        |
| Round 4 (DCA Calculations 2025-2035)        | 19         |
| <b>Total Obligation (New Units)</b>         | <b>654</b> |

<sup>3</sup> On March 8, 2018, Judge Mary C. Jacobson issued an opinion on fair share obligations. On March 28, 2018, Econsult Solutions prepared a comprehensive calculation of the statewide obligations using the “Jacobson” method. This resulted in the City of Brigantine having a Third-Round Prospective Need of 175 and a Gap Present Need of 28, for a total Third-Round obligation of 203. This is 308 units less, or 60% less than the obligations as per the Court-approved settlement in 2018.

### **Present Need / Rehabilitation Component**

The Present Need/Rehabilitation obligation is determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof. This figure was calculated by the Department of Community Affairs (“DCA”) based upon its interpretation of the standards of the Amended FHA. The municipality’s rehabilitation obligation is **13**.

### **Prior Round Component**

The Prior Round obligation is the City’s cumulative Round 1 and 2 affordable housing obligation for the years between 1987 and 1999. The municipality’s Prior Round obligation is **124**.

### **Round Three Component**

Pursuant to a settlement agreement dated April 30, 2018, by and between Brigantine and FSHC, the City’s Third Round affordable housing obligation is **511** (per the Kinsey Report<sup>4</sup>, as adjusted by FSHC settlement agreement, including the “Gap Period” between 1999 and 2015). The Round 3 Prospective Need includes the so-called “Gap Period Present Need,” which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

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<sup>4</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2015.

## Round Four Component

The Fourth-Round affordable housing obligation extends from 2025 through 2035. This is considered the current Prospective Need, which is a projection of housing needs based on development and growth which is reasonably likely to occur in a municipality. The Fourth Round prospective need was determined pursuant to methodology adopted by the state pursuant to the FHA as amended in 2024.

On October 18, 2024, the DCA issued a report estimating the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards of the Amended FHA. The City of Brigantine adopted a binding resolution #2025-34 on January 15, 2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **19**.

## Vacant Land Adjustment

Brigantine's Court-approved Third-Round Settlement Agreement included a VLA due to the lack of sufficient vacant, suitable land to fully-satisfy its Prospective Need obligations. A VLA requires an inventory of vacant parcels. The municipality may exclude vacant contiguous parcels if they would accommodate less than five (5) dwelling units utilizing Court-approved presumptive density of six (6) units per acre. Additionally, the municipality may eliminate sites that are environmentally sensitive (as defined under N.J.A.C. 5:93-4.2(e)2), active recreational lands, conservation, parklands and open space.

After accounting for exclusions, the available land area with a realistic development potential of five or more units was compiled to determine the City's RDP. In the Prior Round the City identified an RDP of two (2) units. In the Third Round the City did not identify any parcel greater than 0.50 acres which would contribute to the City's RDP. Therefore, consistent with the Court-approved plan the City had an RDP

of zero units in the Third-Round. A copy of the VLA parcels from 2016 is included in the Appendix for reference.

In accordance with the 2024 amendments to the FHA, the City has prepared an updated VLA which identifies any new vacant contiguous parcels of land in private ownership that are of a size that would be suitable to accommodate five or more housing units. In the Third-Round Court-approved plan the municipality reviewed all lots that were greater than 0.50 acres to determine if they would be contributing to their RDP. This updated analysis identified all new parcels that were vacant and greater than 0.50 acres to determine if there is a new required RDP in the Fourth-Round. A review of all vacant parcels as of March 2025 was compiled and compared to those identified in the 2016 VLA. A comprehensive analysis of all Class 1 vacant parcels, City Owned Parcels and State-Owned parcels was undertaken, these tables are included in the Appendix.

There were 25 newly vacant class 1 parcels identified, none of which were greater than 0.50 acres of land area. Therefore, the City maintains an RDP of zero for the Fourth-Round. The following table identifies all newly identified vacant properties.

| FOURTH ROUND UPDATED VACANT LAND ASSESSMENT |       |                        |                  |
|---|-------|------------------------|------------------|
| BLOCK                                       | LOT   | PROPERTY LOCATION      | LOT SIZE (ACRES) |
| 104   | 1     | 1304 E BEACH AVE       | 0.09             |
| 105   | 3     | 1307 E BEACH AVE       | 0.09             |
| 105   | 8     | 101 N 3TH STREET NO    | 0.12             |
| 109   | 1.02  | 18TH STREET NORTH      | 0.11             |
| 109   | 1.03  | 20TH STREET NORTH      | 0.11             |
| 109   | 1.04  | 19TH STREET NORTH      | 0.11             |
| 202   | 6     | 107 N 1TH STREET NO    | 0.09             |
| 206   | 2     | 229 QUAY BLVD          | 0.08             |
| 312   | 11    | 100 W 7TH STREET NO    | 0.09             |
| 506   | 1.01  | 206 E BRIGANTINE AVE   | 0.15             |
| 506   | 1.03  | 202 E BRIGANTINE AVE   | 0.13             |
| 506   | 1.04  | 200 E BRIGANTINE AVE   | 0.15             |
| 803   | 20    | 801 OCEAN AVE          | 0.14             |
| 1201  | 14    | 100 E 5TH STREET SO    | 0.1              |
| 1302  | 25.02 | 148 E 8TH STREET SO    | 0.13             |
| 1303  | 13    | 115 N 10TH STREET SO   | 0.13             |
| 1303  | 21.01 | 122 W 9TH STREET SO    | 0.09             |
| 1404  | 10    | 17TH STREET SOUTH      | 0.09             |
| 1405  | 6.03  | 410 N 8TH STREET SOUTH | 0.17             |
| 1406  | 6     | 427 N 20TH STREET SO   | 0.07             |
| 1503  | 1     | 1419 OCEAN AVE         | 0.14             |
| 1503  | 13    | 324 N 4TH STREET SO    | 0.09             |
| 1601  | 7     | 1604 W BRIGANTINE AVE  | 0.26             |
| 1604  | 9     | 200 N 7TH STREET SO    | 0.12             |
| 5604  | 1.01  | ATL-BRIGANTINE BLVD    | 0.1              |

**Land Use Analysis**

The municipality has conducted an exhaustive review of all available vacant and underutilized parcels through their approved VLA. Brigantine has given consideration to those sites which would be suitable for affordable housing purposes. The City has created affordable units through a market to affordable program and is working on completing units in partnership with the Volunteers of America Delaware Valley Housing group. The City will continue to be proactive in identifying properties which are suited to new affordable housing developments.

## **Multigenerational Family Housing Analysis**

In 2021, the FHA was amended to require an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission. Currently, there are no recommendations published from the Commission. The duties of the commission are:

*“To prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”*

A review of 2020 Census data shows that 2.6% of the occupied housing units in the City contain three plus generations of families. Brigantine recognizes the needs of older residents who want to age in place or continue to live independently in the municipality where they raised their families. The City ordinances do not prohibit the creation of extra living space for family members, provided they are part of the same housekeeping unit.

## **Regional Planning Analysis**

The Office of Planning Advocacy and the State Planning Commission are currently in the process of Cross Acceptance to adopt the 2024 State Development and Redevelopment Plan (SDRP). This is the first update to the 2001 SDRP. In both the 2001 and 2024 SDRP, the City of Brigantine’s developed areas are completely within an Environmentally Sensitive Barrier Island Planning Area (PA5B). These

areas are also within a Sewer Service Area. The City has historically been developed with residential and commercial land uses at the same general intensity that exists today. There are areas in the City located to the west and north which are in a Park and Open Space Planning Area (PA8) as these lands are publicly owned and protected.

In the 2024 Draft SDRP, the PA5B Planning Area is intended to

- protect and enhance, to the extent possible and feasible, the existing character of barrier island communities;

- protect and enhance barrier island ecosystems and restore damaged ones;

- minimize the risks to life and property from natural hazards;

- carefully evaluate those conditions under which retreat of human habitation from barrier island locations, with subsequent de-urbanization, would be prudent and advised;

- provide access to coastal resources, under safe conditions, for public use and enjoyment; and

- maintain and improve coastal resource quality.

These intentions have been embodied in the City's planning efforts, specifically through their affordable housing efforts as provided for in this Plan. The City does not have vacant land that can be developed, all development is rooted in the reuse and redevelopment of previously utilized properties. The City has created opportunities on the redevelopment of existing properties that are located in core areas of existing development. The City does not propose any development for affordable housing outside of the existing developed areas as recommended in the new State Plan.

## FAIR SHARE PLAN

A Fair Share Plan (“FSP”) is prepared to address how a municipality intends to meet their constitutional affordable housing obligations. The FSP identifies the affordable housing obligations, projects that have been completed, proposed mechanisms to meet the affordable housing obligations, and addresses the requirements of the FHA and affordable housing regulations applicable to each set of obligations, including N.J.A.C. 5:93 and N.J.A.C. 5:80 where applicable.

### Affordability Requirements

Affordable housing is defined under New Jersey’s FHA as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The City of Brigantine is in Region 6, which includes Atlantic, Cape May, Cumberland and Salem counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. As required by the amended FHA (Roberts bill), there is also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80 et seq., the maximum rent for a qualified unit must be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

### **Affordable Housing Plan**

The following maintains Brigantine’s approved Third-Round Plan components and seeks to amend the third-round prospective need obligations. The following also incorporates provisions to address the Brigantine’s new Fourth-Round obligations.

#### **Rehabilitation Obligation/Present Need:**

The City’s Present Need obligation is **13-units**. As it did in its Court-approved Third-Round plan, the City’s rehabilitation obligation is being addressed through the Atlantic County Improvement Authority (“ACIA”) through their “Owner Occupied Housing Rehabilitation Program.” The ACIA uses federal Community Development Block Grant (“CDBG”) funds as well as prior rehabilitation funds paid back at the time of a home sale to operate a county-wide housing rehabilitation program. This program provides deferred loans for property owners that meet the required income limits. To qualify, property owners must also demonstrate that the home is properly insured and the municipal taxes are paid up to the current quarter. The program requires that a household’s income not exceed 80% of the median income for Atlantic County in accordance with HUD published Section 8 income guidelines. If qualified, a homeowner can use a deferred loan for basic rehabilitation needs including plumbing, heating, electric, roof, windows, doors, insulation and exterior repair and painting.

From April of 2010 through December of 2024, the ACIA in cooperation with Brigantine had rehabilitated one unit within the City<sup>5</sup>. The City's Fourth-Round rehabilitation obligation will be handled through the continued participation in the County-wide program. The City has an Affordable Housing Trust Fund ("AHTF"), if the ACIA program does not provide for the full rehabilitation obligation the City will use the AHTF to rehabilitate units.

**Prior Round:**

As set forth above, Brigantine has addressed its Prior Round (1987-1999) obligation of **124** as per the City's Third-Round-Court-approved settlement agreement with FSHC, and its Third Round HEFSP, which resulted in a Final JOR dated December 31, 2018.

COAH determined Brigantine's Prior Round obligation to be 124 units. However, in a Pre-Mediation Report, COAH gave Brigantine an RDP of two units based on a vacant land inventory. To address that obligation Brigantine contracted with TRIAD Associates to undertake a market to affordable Program. To date, five (5) for sale homes have been subsidized and were sold to income eligible households, two of which will go to the Prior Round RDP obligation. One low and one moderate income unit address the Prior Round RDP for a total of two units in the prior round.

The following Table summarizes the Prior Round Obligation Components as approved in the City's 2018 Final JOR and as amended herein:

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<sup>5</sup> The ACIA rehabilitated a unit at 4 Sheridan Place (Block 6807, Lot 3) in 2012. The rehabilitation provided \$16,280 in Home funds

| <b>Brigantine's<br/>Prior Round Plan<br/>RDP – 2<br/>Unmet Need - 122</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|---|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <i>Market to Affordable</i>   |               |               |               |              |                          |                          |
| 4901 Harbour Blvd Unit S4<br>1-Bedroom Condo –<br>Moderate Income         |               |               | x             | 1            |                          | 1                        |
| 4901 Harbour Blvd Unit B4<br>1-Bedroom Condo<br>Low Income                |               |               | x             | 1            |                          | 1                        |
| 4901 Harbour Blvd Unit A1<br>1-Bedroom Condo<br>Moderate Income           |               |               | x             | 1            |                          | 1                        |
| <b>Total</b>  |               |               |               | <b>3</b>     |                          | <b>3</b>                 |
| <b>Surplus Credit to Unmet Need</b>                                       |               |               |               |              |                          | <b>1</b>                 |

**Third Round:**

Pursuant to the FSHC agreement and 2018 Final JOR referenced above, the municipality’s Third Round affordable housing obligation is **511**. The Third Round Prospective Need includes the so-called “Gap Period Present Need,” which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017). The City adopted a 2018 HEFSP in accordance with their Third-Round Court-approved settlement agreement with FSHC, which resulted in a Final JOR dated December 31, 2018. The Borough completed a VLA for their Third-Round obligation, resulting in an RDP of 0, leaving an Unmet Need of 511.

The approved Settlement with FSHC included a provision, item 14, which permits the reduction of the Third-Round obligation as follows:

*“The parties agree that if a decision of a court of competent jurisdiction in Atlantic County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature; would result in a calculation of an obligation for the City for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the City may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the City shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the City's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the City prevails in reducing its prospective need for the Third Round, the City may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.”*

The City’s Third-Round obligation as calculated by Econsult Solutions on March 28, 2018, is **203**, which is 60% less than the obligation in the 2018 Court-approved Settlement agreement with FSHC. Despite this difference in the housing obligation, the City is not currently requesting an amendment to their Third-Round obligation but maintains the ability to request an adjustment in the future.

The following table addresses how the municipality will satisfy their Third-Round Unmet Need obligation, consistent with the approved plan in Brigantine’s 2018 Final JOR:

| <b>Brigantine's<br/>Third Round<br/>Prospective Need Plan<br/>RDP - 0<br/>Unmet Need – 511</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|--|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <b><i>100% Affordable</i></b>  |               |               |               |              |                          |                          |
| Volunteers of America Delaware Valley  | x             |               | x             | 5            | 5                        | 10                       |
| <b><i>Inclusionary Development</i></b>   |               |               |               |              |                          |                          |
| Block 3804, Lot 1 Overlay Zone   | x             |               | x             | 40           |                          | 40                       |
| Block 806, Lot 1 Overlay Zone  | x             |               | x             | 1.5          |                          | 1.5                      |
| Block 3701, Lots 1-9<br>Block 3702, Lots 1-9<br>Overlay Zone                                   | x             |               | x             | 5            |                          | 5                        |
| <b><i>Mandatory Set-Aside Ordinance</i></b>  |               |               |               |              |                          |                          |
| 5+ new Residential Units   |               |               | x             |              |                          | varies                   |
|  |               |               | <b>Total</b>  | <b>5</b>     | <b>5</b>                 | <b>56.5</b>              |

Bonus credits are permitted for rental units up to 25% of the City's third-round RDP obligation in accordance with N.J.A.C. 5:93-5.15(a). The City has a zero-unit RDP, however the Third-Round plan provides for the creation of five (5) rental units. As such the City is permitted to take a bonus credit for a maximum of five (5) credits from the rental units. The City recognizes that the maximum bonus they are permitted to utilize may not exceed 25% of the total obligation.

**Fourth Round Prospective Need:**

The DCA for the State of New Jersey has calculated proposed new affordable housing obligations for each municipality for Round 4 (2025 through 2035). Brigantine's Fourth Round affordable housing obligation is **19**.

The City has an approved VLA in their Court approved Third-Round plan. A review of the 2025 tax records identified 24 new vacant parcels, none of which were of sufficient size to create an RDP. As such, the City's Fourth-Round **RDP is 0 with an Unmet Need of 19**.

When a Fourth-Round plan includes a VLA, the components of the FSP are required to include an identification of parcels which are likely to redevelop over the next ten years which would provide for up to 25% of the Borough's Fourth-Round RDP (N.J.S.A. 52:27D-310.1). This would require a total of **0 units** as the City's Fourth-Round RDP is zero.<sup>6</sup> The City has provided for two units from a market to affordable program and intends to continue creating future units through the same program. The City has also maintained their overlay zones and mandatory set-aside ordinance in the event of new development opportunities. The City proposes to increase the set-aside within the overlay zones from 15% to 20% to address any new obligation in the Fourth-Round. This increase will provide for an estimated 16 additional units.

The amendments to the FHA for a Fourth-Round plan require a municipality provide 50% of actual affordable units, exclusive of any bonus credits, available to families with children, for a total of **7 units**<sup>7</sup>. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units for a total of **4 units**, of which of which 50% of the rental units, or **2 unit**, to be available to families with children. (N.J.S.A. 52:27D-311.1). The City has an RDP of zero in the Fourth-Round, however if any new units are created from the market to affordable program, overlay zone or mandatory set-aside ordinance, they can address the rental requirements of the FHA.

The following table addresses Fourth-Round credits which will address the City's Fourth-Round RDP.

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<sup>6</sup> The City interprets the FHA to require units equal to 25% of RDP, however Fair Share Housing Center has interpreted the FHA to require units equal to 25% of the unmet need. In accordance with the Mediation Agreement the Fourth-Round provides for an increase in the overlay zone set-asides from 15% to 20% which addresses this requirement.

<sup>7</sup> The City's Fourth-Round obligation is 19, which is permitted to include 5 bonus credits. The Borough will utilize 2 bonus credits for existing units and anticipates claiming the additional 3 bonus credits for new market to affordable units, therefore a total of 14 actual units are required to be provided in the Plan.

| <b>Brigantine's<br/>Fourth Round<br/>Prospective Need Plan<br/>RDP – 0<br/>Unmet Need - 19</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|--|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <b><i>Market to Affordable</i></b>   |               |               |               |              |                          |                          |
| 4901 Harbour Blvd Unit H3<br>1 bedroom condo<br>Moderate Income                                |               |               | x             | 1            | 1                        | 2                        |
| 4901 Harbour Blvd Unit C17<br>1 bedroom condo<br>Low Income                                    |               |               | x             | 1            | 1                        | 2                        |
| Future Market to Affordable  |               |               | x             | 3            | 3                        | 6                        |
| <b><i>Inclusionary Development<br/>Overlay Ordinance Increase Set-<br/>Aside</i></b>           |               |               |               |              |                          |                          |
| Block 3804, Lot 1 Overlay Zone   | x             |               | x             | 14           |                          | 14                       |
| Block 806, Lot 1 Overlay Zone  | x             |               | x             | 0.5          |                          | 0.5                      |
| Block 3701, Lots 1-9<br>Block 3702, Lots 1-9<br>Overlay Zone                                   | x             |               | x             | 1.5          |                          | 1.5                      |
| <b>Total</b>   |               |               |               | <b>5</b>     | <b>5</b>                 | <b>26<sup>8</sup></b>    |

Bonus credits are permitted for up to 25% of the required obligation in the Fourth Round, allowing for up to five (5) bonus credits. In accordance with the amended FHA under N.J.S.A. 52:27D-311.k(10) the City is permitted to utilize bonus credits from market to affordable units at a rate of one bonus credit for each completed or contracted unit. The City has provided for two (2) market to affordable units which were completed in 2018 and 2020, these are occupied and completed, therefore eligible for bonus credits. The City proposes to create three (3) more units and utilize the permitted bonus credits. As the City has successfully completed market to affordable units in the past, the continued provision in the plan with bonus credits is appropriate.

<sup>8</sup> Any surplus credits will address the Third-Round Unmet Need

### **Unfulfilled Prior Round (1987 through 2025)**

The mechanisms identified in Brigantine's Court approved FSP plan included several components which were not completed. A portion of these remain viable and are discussed below, however changes to the market have impacted other components.

#### *Volunteers of America Delaware Valley (VOADV) – 5 units*

Brigantine entered into an agreement with Volunteers of America Delaware Valley ("VOADV") which provides for five-, one- and two-bedroom apartments for veterans and their families on November 7, 2018. The City's HEFSP provided for the use of a subsidy of \$100,000 per unit for a total of \$500,000. The schedule for the transfer of funds includes \$100,000 per year starting in 2019 through 2023. The City has not transferred any funds as of this date and instead will be providing the land to VOADV as part of an approved Redevelopment Plan.

The City has adopted a Redevelopment Plan as of June 3, 2020, to permit VOADV to develop the units on the property located on Block 2901, Lot 5. Volunteers of America entered into an agreement with the City to provide for the construction of the units. The VOADV has requested an extension to complete the development as they are still waiting for approvals from the NJDEP and NJDCA. The project was delayed over the past several years in part due to the COVID pandemic, increases in construction costs and permitting delays. VOADV has received all state and county land use approvals and is continuing to complete their permitting. Included in the Appendix of this report is the VOADV's latest extension request of June 13, 2025 and proposed amendment to the agreement with the City.

***Overlay Zone – Block 3804, Lot 1***

The City adopted an Affordable Housing Overlay (AHO-B3) zone on property that contains a shopping area located between Harbor Beach Blvd. 38th Street, Bayshore and Amhurst Avenue (Block 3804, Lot 1). The overlay zone at this shopping center provides for three residential floors above commercial at a density of 20 units per acre. There is a required 15 percent set-aside for affordable family rental units with 13 percent of the affordable units for very low-income households. There have been no applications under this overlay zoning, however the City maintains that the overlay district continues to create a realistic opportunity for new affordable housing. The City will amend the overlay zone to increase the affordable housing set-aside to 20%. This will increase the total affordable units by 14 additional units.

***Overlay Zone – Block 806, Lot 1***

The City adopted an Affordable Housing Overlay (AHO-B1A) zone on Block 806, Lot 1, which is 24,000 sf (0.55 acres). The zoning permits multi-family residential on three floors at a density of 20 units per acre. There is a requirement to provide a 15 percent set-aside for affordable family rental units with 13 percent of the affordable units for very low-income households. There have been no applications under this overlay zoning, however the City maintains that the overlay district continues to create a realistic opportunity for new affordable housing. The City will amend the overlay zone to increase the affordable housing set-aside to 20%. This will increase the total affordable units by 0.5 additional units.

***Overlay Zone – Block 3701, Lots 1-9 & Block 3702, Lots 1-9***

The City adopted an Affordable Housing Overlay (AHO-B1) zone on Block 3701, Lots 1-9 and Block 3702, Lots 1-9, which contain approximately 1.7 acres. The zoning permits mixed-use commercial first floor and residential above at a density of 20 units per acre. The ordinance requires a 15 percent set-aside for affordable family rental units with 13 percent of the affordable units for very low-income households.

There have been no applications under this overlay zoning, however the City maintains that the overlay district continues to create a realistic opportunity for new affordable housing. The City will amend the overlay zone to increase the affordable housing set-aside to 20%. This will increase the total affordable units by 1.5 additional units.

### ***Market to Affordable***

Brigantine entered into a contract with TRIAD Associates, an experienced administrative agency, to administer a market to affordable program. At the time of the court-approved Third-Round plan the City had created three (3) market to affordable units. Since the adoption of the court-approved plan the City has created an additional two (2) units, one in 2018 and one in 2020. The City will continue to utilize market to affordable opportunities to address their unmet need obligation. Funds collected in the AHTF will be used for this purpose. This plan proposes the creation of at least three (3) more market to affordable units and reserves the right to create more depending upon AHTF availability.

### ***Mandatory Set-aside Ordinance***

The City adopted a mandatory set-aside Ordinance which provides that if the City permits the construction of any multi-family or single family attached residential development, not already included in this Agreement, that is "approvable" and "developable" as defined at N.J.A.C. 5:93-1.3, at a gross residential density of six units to the acre or more, the City will require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement began with the effective date of the settlement agreement of June 12, 2018 and applies to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a

variance granted by the planning or zoning board, or the adoption of a Redevelopment Plan or amended Redevelopment Plan in Areas in need of Redevelopment or Rehabilitation.

For inclusionary projects in which the low and moderate units are to be offered for sale, the set-aside is 20 percent; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside is 15 percent. Thirteen percent of the units developed in accordance with this Ordinance will be very low-income units.

The City has not approved any development that would be subject to this ordinance since June 12, 2018. The City maintains that this ordinance continues to provide a realistic opportunity to create affordable housing units.

### *Very Low-Income Units*

Very low-income housing is affordable to those households with a gross household income of 30% or less of the median gross household income in the region. In 2008, the FHA was amended to include a requirement that at least 13% of all affordable housing units be very low-income units<sup>9</sup>. The 2024 amendments to the FHA added a provision that at least half of the very low-income units be available to families with children. The City is required to provide 13% of their total affordable housing units in their Third and Fourth-Round plans as very-low-income units. With a Third- and Fourth-Round RDP of zero there are no very low-income units required, however the City has created market to affordable units and will have additional units as part of the VOADV project. The City will use AHTF to buy-down existing or future units when appropriate to meet the very low-income requirement. The affordable

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<sup>9</sup> Assembly Bill A-500 adopted in 2008, also known as the Roberts Bill, created a new definition for very low-income units and a requirement that 13% of all affordable units be made available to very low-income households.

housing ordinance adopted by the City to provide for the unmet need includes a requirement to provide 13% of all units created as very low-income units.

### **Phasing Plan for Affordable Housing Units<sup>10</sup>**

The City has 5 unbuilt units as provided for in their Court-approved Third-Round Plan from the VOADV. The Unmet Need units will come online as the developments progress but are not included in the phasing schedule. The units are part of inclusionary developments and subject to market conditions. The City anticipates that the identified projects in the RDP for both rounds will be developed in accordance with the following schedule:

| <b>Program</b> | <b>2026</b> | <b>2027</b> | <b>2028</b> | <b>2029</b> | <b>2030</b> | <b>2031</b> | <b>2032</b> | <b>2033</b> | <b>2034</b> | <b>2035</b> |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| VOADV          |             | 5           |             |             |             |             |             |             |             |             |
| <b>Total</b>   |             | <b>5</b>    | <b>0</b>    |

### **Bonus Provisions**

For the Prior Round and Third-Round plan, in accordance with N.J.A.C. 5:93-5.15, the municipality intends to take bonus credits for up to 25% their total obligation if units are made available to qualify for bonus credits. Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. for up to 25% of the total Fourth-Round prospective need, allowing for five (5) bonus credits. The City reserves the right to apply bonus credits from units that become available and are eligible.

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<sup>10</sup> Phasing is estimated and may not reflect changes to market conditions which will impact the proposed developments.

## **Affordable Housing Trust Fund**

The City of Brigantine adopted an AHTF ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities on August 15, 2018, under Ordinance 15-2018. The City is amending the Development Fee Ordinance to meet the newly adopted regulations of the Uniform Housing Affordability Controls under N.J.A.C. 5:80 et seq., as amended December 15, 2025, and the Fair Housing Act regulations under N.J.A.C. 5:99 et seq., as approved December 15, 2025. The proposed amended ordinance is included in the Appendix as part of the Affordable Housing Ordinances. As of May 19, 2025, the balance of the AHTF was \$3,623,587.70. A Spending Plan will be completed to provide for the expenditure of funds.

## **Cost Generation**

Brigantine will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The municipality shall comply with all requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

## **Monitoring**

The City of Brigantine shall complete all required annual monitoring reports for the municipality's AHTF and of the affordable housing units and programs in accordance with the FHA regulations and requirements. In fact, the municipality has complied with all current AHMS reporting deadlines to date, as set forth in the

Amended FHA. Brigantine's Municipal Housing Liaison has access to the AHMS and has been regularly inputting the required monitoring data as it becomes available.

### **Fair Share Ordinance and Affirmative Marketing**

The City of Brigantine on August 15, 2018 by ordinance 16-2018 and in accordance with the City's Court approved FSP, adopted an Affirmative Marketing and Fair Share Ordinance in accordance with N.J.A.C. 5:93 et seq., and UHAC at N.J.A.C. 5:80-26. These ordinances are being amended in accordance with the newly adopted regulations of the Uniform Housing Affordability Controls under N.J.A.C. 5:80 et seq., as amended December 15, 2025, and the Fair Housing Act regulations under N.J.A.C. 5:99 et seq., as approved December 15, 2025. The proposed amended ordinance is included in the Appendix.

The City's Fair Share Ordinance will govern the administration of affordable units in the City as well as regulating the occupancy of such units. The Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City.

The affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the City. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the affordability controls required by the FHA and UHAC. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the City's fair share ordinances and shall be a condition of any municipal development approval.

### **Conclusion**

There are limited remaining opportunities to create affordable housing in the City given the scarcity of vacant or underutilized parcels. This is more apparent through the continued VLAs which have identified a zero-unit RDP in the City. Despite this, the City proposes to address its affordable housing obligations through various mechanisms as demonstrated herein. The Borough also recognizes there is a need to provide future opportunities for affordable housing and therefore has created several overlay zones and set-aside ordinances to ensure future residential developments provide affordable housing.

*APPENDIX A – Municipal Resolution*

*APPENDIX B - Order Fixing Municipal Obligation for “Present Need” and  
“Prospective Need” for the Fourth Round Housing Cycle*

*APPENDIX C – 2016 VLA List*

*APPENDIX D - Brigantine Market To Affordable Units Completed*

*APPENDIX E(1) – VOADV Extension Request*

*APPENDIX E(2) – VOADV Proposed Amended Agreement*

*APPENDIX G – Mediation Agreement*

*APPENDIX H – 2025 VLA Analysis*

*APPENDIX I – Affordable Housing and Development Fee Ordinances*

## APPENDIX A

### CITY OF BRIGANTINE

#### RESOLUTION NO. 2025-~~34~~

#### RESOLUTION ACCEPTING THE DEPARTMENT OF COMMUNITY AFFAIRS ESTIMATES FOR THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS FOR 2025-2035 FOR THE CITY OF BRIGANTINE

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act (“Amended FHA”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine; and

**WHEREAS**, the Amended FHA requires that the New Jersey Department of Community Affairs (“DCA”) perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

**WHEREAS**, on October 18, 2024, the DCA released its “Affordable Housing Obligations For 2025-2035 (Fourth Round)” report (“DCA Report”), establishing the Fourth Round (2025-2035) fair share methodology and providing estimates of the low- and moderate-income housing obligations for New Jersey’s 564 municipalities; and

**WHEREAS**, the final calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

**WHEREAS**, per *P.L. 2024, c.2*, in order for the City of Brigantine to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

**WHEREAS**, the City of Brigantine may take into consideration the calculations in the DCA report to determine its obligations; and

**WHEREAS**, the DCA report estimated the present and prospective fair share obligations of the City of Brigantine to be as follows:

- Present Need: 13 units
- Prospective Need: 19 units

**WHEREAS**, the City of Brigantine accepts the present need number and Round 4 prospective need number in the DCA Report; and

**WHEREAS**, the City of Brigantine's Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the City hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

**WHEREAS**, within 48 hours of adoption of this resolution, the Clerk of the City of Brigantine shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program; and

**WHEREAS**, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024; and

**WHEREAS**, pursuant to the Directive #14-24, a municipality seeking a certification in compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after the adoption of the

municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner;  
and

**WHEREAS**, the City of Brigantine seeks a certification of compliance with the FHA  
and, therefore, directs its affordable housing Counsel to file a declaratory relief action within 48  
hours of the adoption of this resolution in Atlantic County.

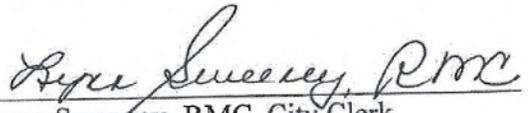
**NOW, THEREFORE, BE IT RESOLVED** on this day of January 15, 2025, by the  
Council of the City of Brigantine in the County of Atlantic, and the State of New Jersey that,  
pursuant to *P.L.2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses  
of this resolution.
2. The Council of the City of Brigantine hereby formally accepts a Present Need  
obligation of 13 units and a Prospective Need obligation of 19 units for the Fourth  
Round of municipal affordable housing compliance for the City of Brigantine. These  
findings are to be documented in the City of Brigantine's housing element and fair  
share plan.
3. The City Council of the City of Brigantine hereby directs its Affordable Housing  
Counsel to file a declaratory judgment attaching this resolution in Atlantic County  
within 48 hours after adopting this resolution.
4. The City of Brigantine reserves its right to adjust its Fourth Round Affordable  
Housing obligation subject to any vacant land adjustments and other amendments as  
may be provided for by law.
5. This resolution shall be posted on the City's official website and with the Affordable  
Housing Dispute Resolution Program within 48 hours of adoption.

6. This resolution shall take effect immediately, according to law.

**CERTIFICATION**

I, Lynn Sweeney, City Clerk of the City of Brigantine, do hereby certify that the above Resolution was considered and adopted by the City Council of the City of Brigantine at a regularly advertised meeting held on January 15, 2025.

  
 Lynn Sweeney, RMC, City Clerk

[SEAL]

4914-4462-5679, v. 1

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

| COUNCIL MEMBERS | Y | N | NV | AB |
|-----------------|---|---|----|----|
| SERA            | ✓ |   |    |    |
| RIORDAN ✕       | ✓ |   |    |    |
| KANE            | ✓ |   |    |    |
| BEW             | ✓ |   |    |    |
| LETTIERI        | ✓ |   |    |    |
| HANEY           | ✓ |   |    |    |
| VIRGILIO ✕✕     | ✓ |   |    |    |

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

## APPENDIX B

PREPARED BY THE COURT:

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE CITY OF  
BRIGANTINE, ATLANTIC  
COUNTY PURSUANT TO P.L.  
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
ATLANTIC COUNTY  
DOCKET NO. ATL-L-105-25

Civil Action

**ORDER FIXING MUNICIPAL  
OBLIGATIONS FOR “PRESENT NEED”  
AND “PROSPECTIVE NEED” FOR THE  
FOURTH ROUND HOUSING CYCLE**

**THIS MATTER**, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 16, 2025 (“DJ Complaint”) by the Petitioner, **CITY OF BRIGANTINE** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

**AND IT APPEARING**, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,<sup>1</sup> therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

<sup>1</sup> See [https://nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

**AND IT APPEARING** that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **13** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **19** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

**AND THE COURT**, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

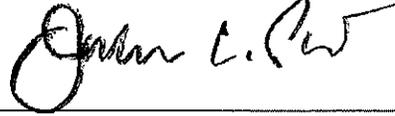
**AND THE COURT**, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

**IT IS, THEREFORE**, on this 27<sup>th</sup> day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **13** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **19** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

**IT IS FURTHER ORDERED**, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

A handwritten signature in black ink, appearing to read "John C. Porto", written over a horizontal line.

**Hon. John C. Porto, P.J.Cv.**

Uncontested.

# APPENDIX C 2016 VLA LIST

| CITY OF BRIGANTINE VACANT LAND INVENTORY - PARCELS 0.50 AC OR LARGER |       |                          |          |                 |         |            |             |             |                                     |                   |
|--|-------|--------------------------|----------|-----------------|---------|------------|-------------|-------------|-------------------------------------|-------------------|
| BLOCK  | LOT   | ADDRESS                  | TAX CODE | SIZE            | ZONE    | LAND VALUE | IMPR. VALUE | TOTAL VALUE | DESCRIPTION                         | DEVELOPABLE ACRES |
|  | 1     | ATL-BRIGANTINE BLVD      |          | 1.34AC          | R1      | 1          | 1040000     | 0           | 1040000 Major Subdivision Approvals | 0                 |
| 101  | 00001 | 1400 E BRIGANTINE AVE    |          | 1.100X2731AVG   | C1      | 1          | 50000       | 0           | 50000 BEACH                         | 0                 |
| 1705   | 14    | 1006 BAYSHORE AVE        |          | 1.197X1251RR    | R-2A    | 17         | 327000      | 0           | 327000 NEW SINGLE FAMILY DWELLING   | 0                 |
| 3804   | 2     | 4205 BAYSHORE AVE        |          | 1.1AC           | B3      | 38         | 430600      | 0           | 430600 ELECTRIC SUBSTATION          | 0                 |
| 5305   | 25    | 349 GULL COVE            |          | 1.3.76AC        | R6      | 53         | 19200.      | 0.          | 19150. DEDICATED OPEN SPACE         | 0.                |
| 540f   | 48    | LAGOON BLVD - REAR       |          | 1.4.05AC        | R6      | 54         | 3000        | 0           | 3000 Open Space, wetlands           | 0                 |
| 5401   | 50    | LAGOON BLVD              |          | 1.10.71AC       | R6      | 55         | 8000        | 0           | 8000 Wetlands                       | 0                 |
| 5402   | 1     | LAGOON BLVD              |          | 1.33.24AC       | R6      | 53-1       | 24900       | 0           | 24900 Open Space, wetlands          | 0                 |
| 6401   | 2     | 303 SHERIDAN PLACE       | 15A      | 10.25AC         | R2      | 65         | 2306300     | 30386400    | 32692700 PUBLIC SCHOOL              | 0                 |
| 00101  | 01    | BEACH                    | 15C      | 47.0 ACRES      |         |            | 18800000    | 0           | 18800000 BEACH                      | 0                 |
| 00101  | 02    | BEACH                    | 15C      | 60.0 ACRES      | C1      |            | 24000000    | 0           | 24000000 BEACH                      | 0                 |
| 00101  | 03    | BEACH                    | 15C      | 132.0 ACRES     | C1      |            | 52800000    | 0           | 52800000 BEACH                      | 0                 |
| 1205   | 00001 | 701 BAYSHORE AVENUE      | 15C      | 23674 SQ FT     | C1      | 12         | 47300       | 0           | 47300 RIPARIAN                      | 0                 |
| 1304   | 00001 | 1125 BAYSHORE AVE        | 15C      | 35640 SQ FT     | C1      | 13         | 71300       | 0           | 71300 RIPARIAN                      | 0                 |
| 1403   | 1     | 1600 OCEAN AVE           | 15C      | 200.04X127      | C1      | 14         | 3500000     | 39500       | 3539500 public parking, green acres | 0                 |
| 1504   | 1     | 1417 W BRIGANTINE AVE    | 15C      | 200X200         | B7-A    | 29         | 455000      | 2216400     | 2671400 CITY HALL                   | 0                 |
| 1504   | 2     | 201 15TH STREET SO       | 15C      | 498X201         | R-2A    | 15         | 739500      | 2904800     | 3644300 COUNTY LIBRARY              | 0                 |
| 2105   | 4     | 2500 W BRIGANTINE AVE    | 15C      | 5.58AC          | R-2A    | 21         | 2058500     | 358400      | 2416800 PARK                        | 0                 |
| 2507   | 1     | ATL-BRIGANTINE BLVD      | 15C      | RR              | C1      | 25         | 296000      | 0           | 296000 TRAFFIC TRIANGLE             | 0                 |
| 2601   | 8     | 2601 BAYSHORE AVE        | 15C      | 100X128         | 9 R-2A  | 26         | 678500      | 77900       | 756400 RECREATION CENTER            | 0                 |
| 2910   | 1     | ATL-BRIGANTINE BLVD      | 15C      | 200X250         | B1      | 29         | 259900      | 48600       | 308500 LIGHTHOUSE - TRAFFIC CIRCLE  | 0                 |
| 3103   | 29    | 3605 BAYSHORE AVE        | 15C      | 285X170.351     | B1      | 31         | 467100      | 1037400     | 1504550 UTILITY BUILDING            | 0                 |
| 3104   | 5     | 3625 ATL-BRIGANTINE BLVD | 15C      | 210X125         | 6,7,8,9 | 31         | 918000      | 488700      | 1406700 HISTORIC MUSEUM             | 0                 |
| 3303   | 1     | 3400 OCEAN AVE           | 15C      | 200.16X172.5 II | C1      | 33         | 1606900     | 38700       | 1645600 PARKING                     | 0                 |
| 3402   | 22    | ATL-BRIGANTINE BLVD      | 15C      | 45506 SQ FT     | C1      | 34         | 91000       | 0           | 91000 RIPARIAN                      | 0                 |
| 3502   | 00011 | 44TH STREET SO           | 15C      | 749 X 100       | C1      | 35         | 260000      | 0           | 260000 RIPARIAN                     | 0                 |
| 3502   | 12    | 4500 OCEAN FRONT         | 15C      | 37.193AC        | C1      | 35         | 3719000     | 0           | 3719000 BEACH                       | 0                 |
| 3602   | 26    | 42ND STREET SO           | 15C      | 3.82AC          | R3      | 36         | 851600      | 328900      | 1180550 RECREATION CENTER           | 0                 |
| 3602   | 00027 | 265 41ST STREET SO       | 15C      | 540X100         | R3      | 36         | 866800      | 0           | 866800 PARKING AREA                 | 0                 |
| 3602   | 00027 | 265 42ND STREET SO       | 15C      | 535X200         | R3      | 36         | 1330900     | 2905900     | 4236800 RECREATION CENTER           | 0                 |
| 3703   | 13    | 4115 BAYSHORE AVE        | 15C      | 177.9X244.8     | B3      | 37         | 723500      | 121000      | 844500 PARKING AREA                 | 0                 |
| 3704   | 1     | 111 38TH STREET SO       | 15C      | .56AC           | B1      | 37         | 485000      | 92000       | 587000 PUMPING STATION              | 0                 |
| 3704   | 2     | 115 38TH STREET SO       | 15C      | 1.86AC          | B1      | 37         | 560500      | 206200      | 760700 UTILITY BUILDING             | 0                 |
| 3704   | 3     | 38TH STREET SO           | 15C      | 1.33AC          | B1      | 37         | 660500      | 25000       | 685500 UTILITY BUILDING             | 0                 |
| 3804   | 3     | 4326 HARBOR BEACH BLVD   | 15C      | 150X200         | R3      | 38         | 680000      | 603000      | 1289000 POST OFFICE                 | 0                 |
| 3901   | 23    | 4300 BAYSHORE AVE        | 15C      | 9.965AC         | R3      | 39         | 671900      | 742700      | 1414600 PLAYGROUND                  | 0                 |
| 5303   | 1     | 415 LAGOON BLVD          | 15C      | 1.775AC         | R6      | 53         | 7500        | 0           | 7500 MARSH                          | 0                 |
| 5702   | 00007 | 4401 ATL-BRIGANTINE BLVD | 15C      | 28000 SQ FT     | C1      | 57         | 56000       | 0           | 56000 RIPARIAN                      | 0                 |
| 6705   | 00012 | 324 BAYSHORE AVE         | 15C      | 27686 SQ FT     | C1      | 67         | 55400       | 0           | 55400 RIPARIAN                      | 0                 |
| 6901   | 1     | 300 BAYSHORE AVE         | 15C      | 281.39X100      | R2      | 66         | 226000      | 24900       | 250900 PUMPING STATION              | 0                 |
| 8102   | 00001 | 26 GOLF COURSE DR        | 15C      | 609.58X260.54   | C2      | 81         | 1077100     | 0           | 1077100 DEDICATED OPEN SPACE        | 0                 |
| 8404   | 1     | BOOT ISLAND              | 15C      | 65.30 AC        | C1      |            | 99500       | 0           | 99500 MARSH                         | 0                 |
| 8405   | 1     | EAGLE BAY                | 15C      | 10.5 ACRES      | C1      |            | 15800       | 0           | 15800 MARSH                         | 0                 |
| 8406   | 1     | EAGLE BAY                | 15C      | 241.4 ACRES     | C1      |            | 362100      | 0           | 362100 MARSH                        | 0                 |

|            |    |                          |     |              |                |        |         |              |                                     |                             |   |
|------------|----|--------------------------|-----|--------------|----------------|--------|---------|--------------|-------------------------------------|-----------------------------|---|
| 8407       | 1  | BONITA TIDEWAY           | 15C | 35.5 ACRES   | C1             | 53300  | 0       | 53300 MARSH  | 0                                   |                             |   |
| 8408       | 1  | WADING THOROFARE         | 15C | 99.0 ACRES   | C1             | 148500 | 0       | 148500 MARSH | 0                                   |                             |   |
| 8409       | 1  | WADING THOROFARE         | 15C | 17.1 ACRES   | C1             | 25700  | 0       | 25700 MARSH  | 0                                   |                             |   |
| 8410       | 1  | WADING THOROFARE         | 15C | 294.4 ACRES  | C1             | 441600 | 0       | 441600 MARSH | 0                                   |                             |   |
| 8411       | 1  | WADING THOROFARE         | 15C | 1.5 ACRES    | C1             | 2300   | 0       | 2300 MARSH   | 0                                   |                             |   |
| 8412       | 1  | WADING THOROFARE         | 15C | 2.1 ACRES    | C1             | 3200   | 0       | 3200 MARSH   | 0                                   |                             |   |
| 8413       | 1  | SOMERS BAY               | 15C | 127.6 ACRES  | C1             | 191400 | 0       | 191400 MARSH | 0                                   |                             |   |
| 8414       | 1  | GRE'S THOROFARE          | 15C | 405.89 ACRES | C1             | 608800 | 0       | 608800 MARSH | 0                                   |                             |   |
| 8415       | 1  | SOMERS BAY               | 15C | 37.5 ACRES   | C1             | 56300  | 0       | 56300 MARSH  | 0                                   |                             |   |
| 8416       | 1  | SOMERS BAY               | 15C | 3.4 ACRES    | C1             | 5100   | 0       | 5100 MARSH   | 0                                   |                             |   |
| 8417       | 1  | SOMERS BAY               | 15C | 5.2 ACRES    | C1             | 7800   | 0       | 7800 MARSH   | 0                                   |                             |   |
| 8418       | 1  | SOMERS BAY               | 15C | 8.5 ACRES    | C1             | 12800  | 0       | 12800 MARSH  | 0                                   |                             |   |
| 8419       | 1  | SOMERS BAY               | 15C | 3.5 ACRES    | C1             | 5300   | 0       | 5300 MARSH   | 0                                   |                             |   |
| 8420       | 1  | GRE'S THOROFARE          | 15C | 12.3 ACRES   | C1             | 18500  | 0       | 18500 MARSH  | 0                                   |                             |   |
| 8421       | 1  | STEELMAN'S BAY           | 15C | 155 ACRES    | C1             | 232500 | 0       | 232500 MARSH | 0                                   |                             |   |
| 8422       | 1  | STEELMAN'S BAY           | 15C | 42 ACRES     | C1             | 63000  | 0       | 63000 MARSH  | 0                                   |                             |   |
| 8423       | 1  | STEELMAN'S BAY           | 15C | 11.6 ACRES   | C1             | 17400  | 0       | 17400 MARSH  | 0                                   |                             |   |
| 8424       | 1  | STEELMAN'S BAY           | 15C | 7.9 ACRES    | C1             | 11900  | 0       | 11900 MARSH  | 0                                   |                             |   |
| 8425       | 1  | STEELMAN'S BAY           | 15C | 660.0 ACRES  | C1             | 990000 | 0       | 990000 MARSH | 0                                   |                             |   |
| 8426       | 1  | ST. GEORGE'S THOROFARE   | 15C | 15.4 ACRES   | C1             | 23100  | 0       | 23100 MARSH  | 0                                   |                             |   |
| 8427       | 1  | ST. GEORGE'S THOROFARE   | 15C | 1.4 ACRES    | C1             | 2100   | 0       | 2100 MARSH   | 0                                   |                             |   |
| 8429       | 1  | ST. GEORGE'S THOROFARE   | 15C | 51 +/- ACRES | C1             | 76500  | 0       | 76500 MARSH  | 0                                   |                             |   |
| 8501       | 1  | 1 GOLF COURSE DR         | 15C | 185AC        | 5901,20,60R2/C | 85     | 4625000 | 1754500      | 6379500 GOLF COURSE DEED RESTRICTED | 0                           |   |
| 801        | 4  | 301 8TH STREET SQ        | 15D | 200X396IRR   | R4             | 8      | 1209800 | 1323400      | 2533200 CHURCH                      | 0                           |   |
| 1506       | 8  | 1501 W BRIGANTINE AVE    | 15D | 90X365       | R-2A           | 15     | 323800  | 1166800      | 1490600 CHURCH                      | 0                           |   |
| 3602 00027 | 03 | 4101 W BRIGANTINE AVE    | 15D | 200X115      | R3             | 36     | 292600  | 149500       | 442100 CONVENT/TOWNHOUSE APPROVAL   | 0                           |   |
| 3702       | 4  | 3700 ATL-BRIGANTINE BLVD | 4A  | 250X100      | 5,6,7,8,9      | B1     | 37      | 508900       | 764800                              | 1273700 COMMERCIAL BUILDING | 0 |
| 3804       | 1  | 4200 HARBOR BEACH BLVD   | 4A  | 13.47AC      | B3             | 38     | 8082000 | 7429100      | 15511100 COMMERCIAL BUILDING        | 0                           |   |
| 3804       | 4  | 4330 HARBOR BEACH BLVD   | 4A  | 150X200      | B3             | 38     | 686000  | 592500       | 1278500 COMMERCIAL BUILDING         | 0                           |   |

Prepared by: Lance B. Landgraf, Jr., P.P., AICP  
 Prepared on: September 8, 2015

**APPENDIX D  
MARKET TO AFFORDABLE UNIT LIST**

**Unit List**

| Unit ID | Address           | Unit/Block/Lot/Qualifier # | Unit/Apt# | Total Completed Units | Category (Check all that apply)                                 | Bonus Type |
|---------|-------------------|----------------------------|-----------|-----------------------|---|------------|
| 51363   | 4901 HARBOUR BLVD | Block: 4700, Lot: 140.01   | A-1       | 1                     | 1 BEDROOM FAMILY MODERATE INCOME NEW CONSTRUCTION (& GUT REHAB) |            |
| 51364   | 4901 HARBOUR BLVD | Block: 4700, Lot: 140.01   | B-4       | 1                     | 1 BEDROOM FAMILY LOW INCOME NEW CONSTRUCTION (& GUT REHAB)      |            |
| 74008   | 4901 HARBOUR BLVD | Block: 4700, Lot: 140.01   | S-4       | 1                     | 1 BEDROOM FAMILY MODERATE INCOME NEW CONSTRUCTION (& GUT REHAB) |            |
| 74268   | 4901 HARBOUR BLVD | Block: 4700, Lot: 140.01   | H-3       | 1                     | 1 BEDROOM FAMILY MODERATE INCOME NEW CONSTRUCTION (& GUT REHAB) |            |
| 75208   | 4901 HARBOUR BLVD | Block: 4700, Lot: 140.01   | C-17      | 1                     | 1 BEDROOM FAMILY LOW INCOME NEW CONSTRUCTION (& GUT REHAB)      |            |

## APPENDIX E(1)



Daniel L. Lombardo  
President/CEO

Judy Donlen  
Board Chairperson

June 13, 2025

Tiger Platt, City Manager  
City of Brigantine Beach  
1417 West Brigantine Avenue  
Brigantine, NJ 08203

**RE: Request for Extension to Commencement Construction  
Brigantine Affordable Housing**

---

Dear Mr. Platt:

We are kindly requesting an extension until October 15, 2025, to start construction on the above referenced project. We have been working diligently with NJDEP and NJDCA staff to close the project and start construction.

This project start date has been delayed due to the COVID pandemic, increases in construction costs, and escalating interest rates. After three years of applying to various foundations, state, and county funding sources, we were able to close the construction gap in 2025. Since that time, we have secured all state and county land use approvals.

In addition, we are working with NJDCA to finalize the project and produce loan documents. Once we have board approval from NJDCA, we will be able to start construction.

We truly appreciate you taking our request into consideration and we look forward to our continued partnership. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Owen McCabe".

Owen McCabe, President  
VOADV Property, Inc.

*Give. Hope.*

531 Market Street, Camden, NJ 08102 • Tel: 856.854.4660 • PA Tel: 215.647.9849 • Fax: 856.541.0126  
[www.voadv.org](http://www.voadv.org)

*Serving Central & Southern New Jersey, Southeastern Pennsylvania & Delaware*

## APPENDIX E(2)

### SIXTH AMENDMENT TO MUNICIPALLY SPONSORED AFFORDABLE HOUSING AGREEMENT

This Sixth Amendment to the Municipally Sponsored Affordable Housing Agreement (this “**Sixth Amendment**”) is made effective as of May 1, 2025, by and between **THE CITY OF BRIGANTINE** (“**Brigantine**” or “**Seller**” or “**City**”) and **VOADV PROPERTY, INC.** (together with any assignee or nominee consistent with the Contract) (the “**Affordable Housing Developer**” or “**VOADV**” or “**Buyer**”).

#### BACKGROUND

WHEREAS, the Buyer and the Seller entered into a Municipally Sponsored Affordable Housing Agreement dated February 15, 2023 (the “**Contract**”) in which the Seller agreed to sell and the Buyer agreed to purchase real property commonly known as 100 31<sup>st</sup> Street, Brigantine, New Jersey (Block 2901, Lot 5)(as more particularly described in the Contract); and

WHEREAS, the parties entered into a First Amendment to the Contract effective as of February 13, 2024 (the “**First Amendment**”), wherein the Approval Contingency Period and the Financing Period was extended to September 1, 2024.

WHEREAS, the parties entered into a Second Amendment to the Contract effective as of August 27, 2024 (the “**Second Amendment**”) wherein the Approval Contingency Period was extended to October 31, 2024 as to obtaining approvals sought by Buyer, in Buyer’s sole discretion, from the New Jersey Department of Community Affairs; and the Financial Contingency Period was extended to December 31, 2024.

WHEREAS, the parties entered into a Third Amendment to the Contract effective as of October 31, 2024 (the “**Third Amendment**”) wherein the Approval Contingency Period was extended to December 31, 2024, solely limited to obtaining approvals sought by Buyer, in Buyer’s sole discretion, from the New Jersey Department of Community Affairs.

WHEREAS, the parties entered into a Fourth Amendment to the Contract effective as of December 31, 2024 (the “**Fourth Amendment**”) wherein the Approval Contingency Period and the Financial Contingency Period was extended to January 31, 2025.

WHEREAS, the parties entered into a Fifth Amendment to the Contract effective as of January 31, 2025 (the “**Fifth Amendment**”) wherein the Approval Contingency Period and the Financial Contingency Period was extended to May 1, 2025.

WHEREAS, the parties wish to amend the terms of the Contract, First Amendment, Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment, by extending the Approval Contingency Period and the Financial Contingency Period, as set forth below.

WHEREAS, pursuant to the Contract, as amended, Buyer was to use its best efforts to complete construction of all five (5) units by July 1, 2025 and in the event the units were not

constructed, the parties agreed that they shall seek the approval of Fair Share Housing Center to extend any deadline imposed on the City.

WHEREAS, the parties acknowledge that the five (5) units will not be constructed on or before July 1, 2025 and agree to cooperate with each other in seeking the approval of Fair Share Housing Center to extend any deadline imposed on the City.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are mutually acknowledged, the Buyer and the Seller hereby agree as follows:

1. Capitalized terms used and not otherwise defined in this Fifth Amendment shall have the meanings given in the Contract. Notwithstanding anything to the contrary in the Contract, the Contract, the First Amendment, Second Amendment, Third Amendment, and Fourth Amendment are amended as follows:

- a. Extension of Financial Contingency Period. The Financial Contingency Period shall be extended to October 15, 2025.
- b. Extension of Approval Contingency Period. The Approval Contingency Period shall be extended to, and shall expire on October 15, 2025 and shall be solely limited to obtaining approvals sought by Buyer, in Buyer’s sole discretion, from the New Jersey Department of Community Affairs.

2. Acknowledging that the construction of the Project cannot be completed by July 1, 2025, the parties shall seek the approval of Fair Share Housing Center to extend any deadline imposed on the City as may be necessary.

3. The Seller and the Buyer each represent that there exists no breach or event of default under the Contract and that there has been no change in fact or circumstance that would render any representations or warranties set forth in the Contract as untrue or inaccurate in any material respect as of the date of this Sixth Amendment.

4. This Sixth Amendment may be executed in one or more counterparts, each of which shall be an original, but all of which taken together shall constitute one and the same instrument. A facsimile or electronically transmitted copy of this Sixth Amendment and any signatures hereon shall be considered for all purposes as originals.

5. Except as specifically amended hereby, the Contract is hereby ratified and confirmed and remains in full force and effect. The terms of this Sixth Amendment shall govern if any terms of this Sixth Amendment conflict with the terms of the Contract, the First Amendment, Second Amendment, Third Amendment, Fourth Amendment and/or the Fifth Amendment. From and after the date hereof, any references in the Contract or any related instruments, documents or agreements, to “Contract,” “this Contract,” or similar terms shall be deemed to be references to the Contract, as amended hereby. The Contract, the First Amendment, the Second Amendment, the Third Amendment, Fourth Amendment, and Fifth Amendment as amended by this Sixth Amendment, contains the entire understanding of the parties with respect to the subject matter

hereof, and no prior or other agreements or undertakings, whether written or oral, pertaining to any such matter shall be effective for any purpose. This Sixth Amendment may not be changed orally, but may only be changed in an agreement in writing signed by both parties.

**SIGNATURES APPEAR ON FOLLOWING PAGE**

**IN WITNESS WHEREOF**, the parties hereto have executed this Sixth Amendment.

ATTEST:

SELLER: CITY OF BRIGANTINE

By: \_\_\_\_\_  
Name: Lynn Sweeney, RMC  
Title: City Clerk

By: \_\_\_\_\_  
Name: Tige Platt  
Title: City Manager

Date: \_\_\_\_\_, 2025

BUYER: VOADV PROPERTY, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Owen McCabe  
Title: President

Date: \_\_\_\_\_, 2025

## APPENDIX F

### MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

In the Matter of the Application of the City of Brigantine, County of Atlantic  
Docket No. ATL-L-105-25

**WHEREAS**, the City of Brigantine (the “City” or “Brigantine”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 16, 2025; and

**WHEREAS**, the Court entered an order on March 27, 2025 setting the City’s Fourth Round fair share obligations as a Present Need of 13 units and a Prospective Need of 19 units, which no party appealed, and ordering the City to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the City having filed its HEFSP on June 30, 2025 (“Adopted HEFSP”); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the City’s HEFSP on August 29, 2025; and

**WHEREAS**, no other interested-party filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the City’s HEFSP; and

**WHEREAS**, the City and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the City for the Fourth Round;

**THEREFORE**, the City and FSHC agree:

**Fair Share Obligations**

1. The City’s Present Need or Rehabilitation Obligation is 13, the City’s Prior Round Obligation (1987-1999) is 124, the City’s Third Round Obligation (1999-2025) is 511, the City’s Fourth Round Prospective Need (2025-2035) is 19.

**Satisfaction of Fair Share Obligations**

2. The City will address its Present Need via continued participation in the Atlantic County Improvement Authority.
3. The City’s Prior Round Obligation is 124 and, through a Vacant Land Adjustment yielding an RDP of 2 and Unmet Need of 122, has been met with the following mechanisms:

| <b>Brigantine’s<br/>Prior Round Plan<br/>RDP – 2<br/>Unmet Need – 122</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|---|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <b><i>Market to Affordable</i></b>  |               |               |               |              |                          |                          |
| 4901 Harbour Blvd Unit S4<br>1-Bedroom Condo –<br>Moderate Income         |               |               | x             | 1            |                          | 1                        |
| 4901 Harbour Blvd Unit B4<br>1-Bedroom Condo<br>Low Income                |               |               | x             | 1            |                          | 1                        |
| 4901 Harbour Blvd Unit A1<br>1-Bedroom Condo<br>Moderate Income           |               |               | x             | 1            |                          | 1                        |
| <b>Total</b>  |               |               |               | <b>3</b>     |                          | <b>3</b>                 |
| <b>Surplus Credit to Unmet Need</b>                                       |               |               |               |              |                          | <b>1</b>                 |

4. The City’s Third Round Obligation is 511 and, through a Vacant Land Adjustment yielding an RDP of 0 and Unmet Need of 511, shall be met with the following mechanisms:

| <b>Brigantine’s<br/>Third Round<br/>Prospective Need Plan<br/>RDP - 0<br/>Unmet Need – 511</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|--|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <b><i>100% Affordable</i></b>  |               |               |               |              |                          |                          |
| Volunteers of America Delaware Valley  | x             |               | x             | 5            | 5                        | 10                       |
| <b><i>Inclusionary Development</i></b>   |               |               |               |              |                          |                          |
| Block 3804, Lot 1 Overlay Zone   | x             |               | x             |              |                          |                          |
| Block 806, Lot 1 Overlay Zone  | x             |               | x             |              |                          |                          |
| Block 3701, Lots 1-9<br>Block 3702, Lots 1-9<br>Overlay Zone                                   | x             |               | x             |              |                          |                          |
| <b><i>Mandatory Set-Aside Ordinance</i></b>  |               |               |               |              |                          |                          |
| 5+ new Residential Units   |               |               | x             |              |                          | varies                   |
|  |               |               | <b>Total</b>  | <b>5</b>     | <b>5</b>                 | <b>10</b>                |

- a. The VOADV development is considered a prior round project and will be governed by the Redevelopment Plan approved by the City’s Third Round Settlement of its Affordable Housing obligation.
5. The City’s Fourth Round Prospective Need Obligation is 19 and, through a Vacant Land Adjustment yielding an RDP of 0 and Unmet Need of 19 which shall be met with the following mechanisms:

| <b>Brigantine's<br/>Fourth Round<br/>Prospective Need Plan<br/>RDP – 0<br/>Unmet Need - 19</b> | <b>Rental</b> | <b>Senior</b> | <b>Family</b> | <b>Units</b> | <b>Bonus<br/>Credits</b> | <b>Total<br/>Credits</b> |
|--|---------------|---------------|---------------|--------------|--------------------------|--------------------------|
| <i>Market to Affordable</i>  |               |               |               |              |                          |                          |
| 4901 Harbour Blvd Unit H3<br>1 bedroom condo<br>Moderate Income                                |               |               | x             | 1            | 1                        | 2                        |
| 4901 Harbour Blvd Unit C17<br>1 bedroom condo<br>Low Income                                    |               |               | x             | 1            | 1                        | 2                        |
| Future Market to Affordable  |               |               | x             | 3            | 3                        | 6                        |
| <b>Total</b>   |               |               |               | <b>5</b>     | <b>5</b>                 | <b>10</b>                |

- a. In addition to the above mechanisms, the City shall amend the following overlay zones to require a 20% set aside for affordable housing whether rental or for-sale to address the City's Fourth Round Unmet Need:
  - i. Block 3804, Lot 1
  - ii. Block 806, Lot 1
  - iii. Block 3701, Lots 1-9 and
  - iv. Block 3702, Lots 1-9
- b. The City shall continue implementation of its City-wide mandatory set aside ordinance.

**Unit Type and Income Distribution Requirements**

6. The City and FSHC agree that the City's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the City shall maintain satisfaction with such requirements for the Fourth Round:
  - a. Age Restricted Cap. The City agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped

at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.

- b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the City shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).
- c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
- d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the City's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.
- e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
- f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior

settlement agreement between FSHC and the City, statutory requirements, and the Prior Round and Third Round regulations.

7. In all developments that produce affordable housing, the City and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.
  - b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior rounds of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.
  - c. The City agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.

- d. The City agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; the Mainland/Pleasantville, Mizpah, Atlantic City, and Cape May County Branches of the NAACP; and the Supportive Housing Association.

#### **Process for Approval and Implementation**

8. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
  - a. The City and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
  - b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for

review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.

- c. The City shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than March 16, 2026, the City shall file the information required by Paragraph 9 and any other adopted ordinances and resolutions on eCourts.
  - d. No later than April 15, 2026, the City and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.
  - e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.
9. The City and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the City shall provide these documents to FSHC in draft form for comment by February 15, 2026:

- a. The City shall provide amended overlay zoning in accordance with this Agreement.
  - b. The City shall provide the construction timetable for the VOADV proposed development, after the City receives it.
  - c. The City shall provide the following administrative documentation:
    - i. Resolution appointing the Municipal Housing Liaison
    - ii. Resolution designating the Administrative Agent
    - iii. Affordability assistance program manual
  - d. The City shall adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the forthcoming regulations at N.J.A.C. 5:99.
  - e. The City shall update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. after they are adopted and before March 15, 2026.
10. The City and FSHC recognize that substantial changes in circumstances affecting the City's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the City shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The City agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
11. The City's Compliance Certification shall be subject to required ongoing monitoring as follows:

- a. The City by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>.
- b. The City by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the City or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be

through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

12. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the City of Brigantine:

A handwritten signature in blue ink, appearing to be 'Cant', written in a cursive style.

Date: 1/16/26

On behalf of Fair Share Housing Center:

*Laura S. Smith-Denker, Esq.*

Date: 12/18/2025

APPENDIX G 2025 VLA Analysis

| BLOCK | LOT      | PROPERTY CLASS | PROPERTY LOCATION     | Acres | DETAILS                     | LISTED ON 2016 VLA |
|-------|----------|----------------|-----------------------|-------|-----------------------------|--------------------|
| 1     | 1        | 1              | ATL-BRIGANTINE BLVD   | 34    | Major Subdivision Approvals | x                  |
| 101   | 1.03     | 1              | 1400 E BRIGANTINE AVE | 6.3   | Beach                       | x                  |
| 102   | 8        | 1              | 210 13TH STREET NO    |       | Less than 0.5 acres         |                    |
| 104   | 1        | 1              | 1304 E BEACH AVE      | 0.09  | Less than 0.5 acres         |                    |
| 105   | 3        | 1              | 1307 E BEACH AVE      | 0.09  | Less than 0.5 acres         |                    |
| 105   | 8        | 1              | 101 13TH STREET NO    | 0.12  | Less than 0.5 acres         |                    |
| 109   | 1.02     | 1              | 18TH STREET NORTH     | 0.11  | Less than 0.5 acres         |                    |
| 109   | 1.03     | 1              | 20TH STREET NORTH     | 0.11  | Less than 0.5 acres         |                    |
| 109   | 1.04     | 1              | 19TH STREET NORTH     | 0.11  | Less than 0.5 acres         |                    |
| 202   | 6        | 1              | 107 11TH STREET NO    | 0.09  | Less than 0.5 acres         |                    |
| 206   | 2        | 1              | 229 QUAY BLVD         | 0.08  | Less than 0.5 acres         |                    |
| 304   | 4.01     | 1              | 107 8TH STREET NO     | 0.09  | Less than 0.5 acres         |                    |
| 312   | 11       | 1              | 100 7TH STREET NO     | 0.09  | Less than 0.5 acres         |                    |
| 503   | 11       | 1              | 201 ROOSEVELT BLVD SO | 0.1   | Less than 0.5 acres         |                    |
| 506   | 1.01     | 1              | 206 E BRIGANTINE AVE  | 0.16  | Less than 0.5 acres         |                    |
| 506   | 1.02     | 1              | 204 E BRIGANTINE AVE  | 0.13  | Less than 0.5 acres         |                    |
| 506   | 1.03     | 1              | 202 E BRIGANTINE AVE  | 0.13  | Less than 0.5 acres         |                    |
| 506   | 1.04     | 1              | 200 E BRIGANTINE AVE  | 0.16  | Less than 0.5 acres         |                    |
| 602   | 5        | 1              | 225 3RD STREET SO     | 0.09  | Less than 0.5 acres         |                    |
| 706   | 9        | 1              | 219 7TH STREET SO     | 0.12  | Less than 0.5 acres         |                    |
| 706   | 16       | 1              | 210 6TH STREET SO     | 0.09  | Less than 0.5 acres         |                    |
| 706   | 18       | 1              | 218 6TH STREET SO     | 0.09  | Less than 0.5 acres         |                    |
| 803   | 20       | 1              | 801 OCEAN AVE         | 0.08  | Less than 0.5 acres         |                    |
| 1101  | 1        | 1              | 1013 OCEAN AVE        | 0.21  | Less than 0.5 acres         |                    |
| 1201  | 14       | 1              | 100 5TH STREET SO     | 0.1   | Less than 0.5 acres         |                    |
| 1302  | 25.02    | 1              | 148 8TH STREET SO     | 0.13  | Less than 0.5 acres         |                    |
| 1303  | 13       | 1              | 115 10TH STREET SO    | 0.13  | Less than 0.5 acres         |                    |
| 1303  | 21.01    | 1              | 122 9TH STREET SO     | 0.09  | Less than 0.5 acres         |                    |
| 1404  | 5        | 1              | 1700 OCEAN AVE        | 0.15  | Less than 0.5 acres         |                    |
| 1404  | 10       | 1              | 17TH STREET SOUTH     | 0.09  | Less than 0.5 acres         |                    |
| 1405  | 6.03     | 1              | 410 18TH STREET SOUTH | 0.17  | Less than 0.5 acres         |                    |
| 1406  | 6        | 1              | 427 20TH STREET SO    | 0.07  | Less than 0.5 acres         |                    |
| 1501  | 21       | 1              | 340 13TH STREET SO    | 0.09  | Less than 0.5 acres         |                    |
| 1502  | 8        | 1              | 1312 W BEACH AVE      | 0.49  | Electric Company Equipment  |                    |
| 1503  | 1        | 1              | 1419 OCEAN AVE        | 0.14  | Less than 0.5 acres         |                    |
| 1503  | 13       | 1              | 324 14TH STREET SO    | 0.09  | Less than 0.5 acres         |                    |
| 1503  | 19       | 1              | 348 14TH STREET SO    | 0.09  | Less than 0.5 acres         |                    |
| 1601  | 7        | 1              | 1604 W BRIGANTINE AVE | 0.26  | Less than 0.5 acres         |                    |
| 1604  | 9        | 1              | 200 17TH STREET SO    | 0.12  | Less than 0.5 acres         |                    |
| 1605  | 4        | 1              | 313 19TH STREET SO    | 0.17  | Less than 0.5 acres         |                    |
| 1705  | 13       | 1              | 1018 BAYSHORE AVE     | 0.12  | Less than 0.5 acres         |                    |
| 1801  | 9.03     | 1              | 410 20TH STREET SO    | 0.17  | Less than 0.5 acres         |                    |
| 1802  | 2        | 1              | 2104 OCEAN AVE        | 0.19  | Less than 0.5 acres         |                    |
| 1802  | 5.02     | 1              | 22ND STREET SOUTH     | 0.39  | Riparian                    |                    |
| 1806  | 4        | 1              | 2502 OCEAN AVE        | 0.22  | Less than 0.5 acres         |                    |
| 1901  | 6        | 1              | 305 20TH STREET SO    | 0.12  | Less than 0.5 acres         |                    |
| 1901  | 8.01     | 1              | 301A 20TH STREET S    | 0.12  | Less than 0.5 acres         |                    |
| 1901  | 8.02     | 1              | 1904 W BRIGANTINE AVE | 0.13  | Less than 0.5 acres         |                    |
| 1902  | 1.02     | 1              | 213 20TH STREET SO    | 0.12  | Less than 0.5 acres         |                    |
| 1903  | 2        | 1              | 323 21ST STREET SO    | 0.16  | Less than 0.5 acres         |                    |
| 1903  | 13.01    | 1              | 320 20TH STREET SO    | 0.1   | Less than 0.5 acres         |                    |
| 2002  | 5        | 1              | 19 18TH STREET SO     | 0.08  | Less than 0.5 acres         |                    |
| 2003  | 9        | 1              | 1601 BAYSHORE AVE     | 0.21  | Less than 0.5 acres         |                    |
| 2005  | 2        | 1              | 101 19TH STREET SO    | 0.17  | Less than 0.5 acres         |                    |
| 2103  | 3        | 1              | 319 24TH STREET SO    | 0.17  | Less than 0.5 acres         |                    |
| 2106  | 12       | 1              | 208 24TH STREET SO    | 0.15  | Less than 0.5 acres         |                    |
| 2201  | 6        | 1              | 2219 BAYSHORE AVE     | 0.14  | Less than 0.5 acres         |                    |
| 2204  | 5 thru 9 | 1              | 1901 BAYSHORE AVE     | 0.46  | Less than 0.5 acres         |                    |

| BLOCK   | LOT   | PROPERTY CLASS | PROPERTY LOCATION        | Acres | DETAILS   | LISTED ON 2016 VLA |
|---------|-------|----------------|--------------------------|-------|---|--------------------|
| 2208    | 5     | 1              | 101 20TH STREET SO       | 0.16  | Less than 0.5 acres                                   |                    |
| 2304    | 5     | 1              | 2900 OCEAN AVE           | 0.2   | Less than 0.5 acres                                   |                    |
| 2304    | 8     | 1              | 415 30TH STREET SO       | 0.1   | Less than 0.5 acres                                   |                    |
| 2305    | 10    | 1              | 414 30TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 2401    | 8     | 1              | 301 27TH STREET SO       | 0.18  | Less than 0.5 acres                                   |                    |
| 2401    | 10.01 | 1              | 2600 W BRIGANTINE AVE    | 0.15  | Less than 0.5 acres                                   |                    |
| 2403    | 4     | 1              | 205 27TH STREET SO       | 0.12  | Less than 0.5 acres                                   |                    |
| 2404    | 11.01 | 1              | 216 27TH STREET SO       | 0.12  | Less than 0.5 acres                                   |                    |
| 2504    | 9     | 1              | 204 29TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 2604    | 11    | 1              | 106 25TH STREET SO       | 0.17  | Less than 0.5 acres                                   |                    |
| 2605    | 2     | 1              | 2409 REVERE BLVD         | 0.14  | Less than 0.5 acres                                   |                    |
| 2606    | 11    | 1              | 104 23RD STREET SO       | 0.17  | Less than 0.5 acres                                   |                    |
| 2801    | 4     | 1              | 347 32ND STREET SO       | 0.12  | Less than 0.5 acres                                   |                    |
| 2802    | 17    | 1              | 316 32ND STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 2905    | 4     | 1              | 3200 BAYSHORE AVE        | 0.12  | Less than 0.5 acres                                   |                    |
| 2908    | 11    | 1              | 225 34TH STREET SO       | 0.12  | Less than 0.5 acres                                   |                    |
| 3005    | 27    | 1              | 342 40TH STREET SO       | 0.09  | Less than 0.5 acres                                   |                    |
| 3201    | 29    | 1              | 240 36TH STREET SO       | 0.13  | Less than 0.5 acres                                   |                    |
| 3301    | 3     | 1              | 403 33RD STREET SO       | 0.1   | Less than 0.5 acres                                   |                    |
| 3401    | 7     | 1              | 4229 ATL-BRIGANTINE BLVD | 0.15  | Less than 0.5 acres                                   |                    |
| 3401    | 8     | 1              | 4225 ATL-BRIGANTINE BLVD | 0.15  | Less than 0.5 acres                                   |                    |
| 3502.01 | 1.02  | 1              | 307 DOLPHIN DR           | 0.16  | Less than 0.5 acres                                   |                    |
| 3601    | 18.01 | 1              | 227 40TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 3601    | 18.02 | 1              | 225 40TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 3601    | 18.03 | 1              | 223 40TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 3601    | 18.04 | 1              | 221 40TH STREET SO       | 0.08  | Less than 0.5 acres                                   |                    |
| 3602    | 5.02  | 1              | 286 40TH STREET SO       | 0.09  | Less than 0.5 acres                                   |                    |
| 4201    | 19    | 1              | 4900 HARBOR BEACH BLVD   | 0.33  | Less than 0.5 acres                                   |                    |
| 4303    | 73    | 1              | SEASIDE ROAD             | 0.19  | Less than 0.5 acres                                   |                    |
| 4303    | 74    | 1              | 4928 HARBOR BEACH BLVD   | 0.39  | Less than 0.5 acres                                   |                    |
| 4502    | 3     | 1              | 5211 OCEAN DRIVE SOUTH   | 0.14  | Less than 0.5 acres                                   |                    |
| 4502    | 6     | 1              | 5217 OCEAN DRIVE SOUTH   | 0.17  | Less than 0.5 acres                                   |                    |
| 4502    | 13    | 1              | 41 OCEAN DRIVE WEST      | 0.13  | Less than 0.5 acres                                   |                    |
| 4502    | 28    | 1              | 5200 SEA SPRAY RD        | 0.13  | Less than 0.5 acres                                   |                    |
| 4704    | 1     | 1              | 400 LAGOON BLVD          | 0.03  | Less than 0.5 acres                                   |                    |
| 4705    | 30    | 1              | 435 ALBACORE LANE        | 0.21  | Less than 0.5 acres                                   |                    |
| 4705    | 47    | 1              | 401 ALBACORE LANE        | 0.1   | Less than 0.5 acres                                   |                    |
| 5104    | 6     | 1              | 11 EXPLORER RD           | 0.13  | Less than 0.5 acres                                   |                    |
| 5305    | 25    | 1              | 349 GULL COVE            | 3.76  | Dedicated Open Space                                  | x                  |
| 5401    | 47    | 1              | 1 DELMAR LANE            | 0.3   | 1998 deed restriction - not permitted to be developed |                    |
| 5401    | 48    | 1              | LAGOON BLVD - REAR       | 4.05  | Open Space/Wetlands                                   | x                  |
| 5401    | 50    | 1              | LAGOON BLVD              | 10.71 | Wetlands  | x                  |
| 5402    | 1     | 1              | LAGOON BLVD              | 33.24 | Open Space/Wetlands                                   | x                  |
| 5501    | 30    | 1              | 60 HORIZON LANE          | 0.2   | Less than 0.5 acres                                   |                    |
| 5601    | 3.01  | 1              | 4813 ATL-BRIGANTINE BLVD | 0.1   | Riparian  |                    |
| 5601    | 4.01  | 1              | 4809 ATL-BRIGANTINE BLVD | 0.15  | Riparian  |                    |
| 5604    | 1     | 1              | 4820 ATL-BRIGANTINE BLVD | 0.1   | Less than 0.5 acres                                   |                    |
| 5604    | 1.01  | 1              | ATL-BRIGANTINE BLVD      | 0.41  | Riparian  |                    |
| 5604    | 2     | 1              | 4816 ATL-BRIGANTINE BLVD | 0.1   | Less than 0.5 acres                                   |                    |
| 5604    | 3     | 1              | 4812 ATL-BRIGANTINE BLVD | 0.1   | Less than 0.5 acres                                   |                    |
| 5604    | 4     | 1              | 4808 ATL-BRIGANTINE BLVD | 0.1   | Less than 0.5 acres                                   |                    |
| 5604    | 5     | 1              | 4804 ATL-BRIGANTINE BLVD | 0.1   | Partial Riparian                                      |                    |
| 5604    | 6     | 1              | 4800 ATL-BRIGANTINE BLVD | 0.1   | Partial Riparian                                      |                    |
| 5605    | 1     | 1              | 4732 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian                                      |                    |
| 5605    | 2     | 1              | 4728 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian                                      |                    |
| 5605    | 3     | 1              | 4724 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian                                      |                    |
| 5605    | 4     | 1              | 4720 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian                                      |                    |

| BLOCK   | LOT        | PROPERTY CLASS | PROPERTY LOCATION        | Acres | DETAILS             | LISTED ON 2016 VLA |
|---------|------------|----------------|--------------------------|-------|---------------------|--------------------|
| 5605    | 5          | 1              | 4716 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian    |                    |
| 5605    | 6          | 1              | 4712 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian    |                    |
| 5605    | 7          | 1              | 4708 ATL-BRIGANTINE BLVD | 0.21  | Partial Riparian    |                    |
| 5701    | 4.03       | 1              | 4521 ATL-BRIGANTINE BLVD | 0.17  | Less than 0.5 acres |                    |
| 5702    | 4.01       | 1              | ATL-BRIGANTINE BLVD      | 0.13  | Less than 0.5 acres |                    |
| 5803    | 23.02 & 25 | 1              | 1223 E SHORE DR          | 0.34  | Less than 0.5 acres |                    |
| 5803    | 26.01      | 1              | 1217 E SHORE DR          | 0.1   | Less than 0.5 acres |                    |
| 5803    | 27.01      | 1              | 1215 E SHORE DR          | 0.1   | Less than 0.5 acres |                    |
| 6001.01 | 29.01      | 1              | 1213 E SHORE DR          | 0.07  | Less than 0.5 acres |                    |
| 6001.01 | 30.01      | 1              | 1211 E SHORE DR          | 0.07  | Less than 0.5 acres |                    |
| 6001.01 | 32.01      | 1              | 1209 E SHORE DR          | 0.1   | Less than 0.5 acres |                    |
| 6001.01 | 33.01      | 1              | 1207 E SHORE DR          | 0.06  | Less than 0.5 acres |                    |
| 6001.01 | 34.01      | 1              | 1205 E SHORE DR          | 0.06  | Less than 0.5 acres |                    |
| 6001.01 | 35.01      | 1              | 1203 E SHORE DR          | 0.06  | Less than 0.5 acres |                    |
| 6001.01 | 36.01      | 1              | 1201 E SHORE DR          | 0.07  | Less than 0.5 acres |                    |
| 6001.01 | 37.01      | 1              | 1115 E SHORE DR          | 0.05  | Less than 0.5 acres |                    |
| 6001.01 | 38.01      | 1              | 1113 E SHORE DR          | 0.07  | Less than 0.5 acres |                    |
| 6001.01 | 39.01      | 1              | 1111 E SHORE DR          | 0.07  | Less than 0.5 acres |                    |
| 6002    | 4.02       | 1              | 714 SHERIDAN BLVD        | 0.1   | Less than 0.5 acres |                    |
| 6102    | 4          | 1              | 901 FOWNES AVE           | 0.12  | Less than 0.5 acres |                    |
| 6105    | 14         | 1              | EAST SHORE DR            | 0.04  | Less than 0.5 acres |                    |
| 6202    | 17         | 1              | 907 E SHORE DR           | 0.13  | Less than 0.5 acres |                    |
| 6202.01 | 25.01      | 1              | 12 STREET NORTH          | 0.02  | Less than 0.5 acres |                    |
| 6206    | 12         | 1              | 1001 E EVANS BLVD        | 0.11  | Less than 0.5 acres |                    |
| 6206    | 14         | 1              | 907 E EVANS BLVD         | 0.11  | Less than 0.5 acres |                    |
| 6206    | 43         | 1              | 23 HEALD RD              | 0.11  | Less than 0.5 acres |                    |
| 6302    | 79         | 1              | 66 KIRKWOOD CIRCLE       | 0.11  | Less than 0.5 acres |                    |
| 6401    | 16         | 1              | 40 HEALD RD              | 0.11  | Less than 0.5 acres |                    |
| 6701    | 29         | 1              | 403 W EVANS BLVD         | 0.1   | Less than 0.5 acres |                    |
| 6701    | 31         | 1              | 407 W EVANS BLVD         | 0.11  | Less than 0.5 acres |                    |
| 6801    | 1          | 1              | 11 ROOSEVELT BLVD NO     | 0.14  | Less than 0.5 acres |                    |
| 6805    | 6.01       | 1              | 301 LAFAYETTE PLACE      | 0.09  | Less than 0.5 acres |                    |
| 6805    | 6.02       | 1              | 303 LAFAYETTE PLACE      | 0.09  | Less than 0.5 acres |                    |
| 6805    | 15         | 1              | 16 QUAY CIRCLE           | 0.1   | Less than 0.5 acres |                    |
| 6806    | 2          | 1              | 4 FRANKLIN PLACE         | 0.1   | Less than 0.5 acres |                    |
| 6901    | 14         | 1              | 409 LAFAYETTE BLVD       | 0.11  | Less than 0.5 acres |                    |
| 6901    | 33.01      | 1              | 501 CAVERLY DR           | 0.1   | Less than 0.5 acres |                    |
| 6901    | 34         | 1              | 505 CAVERLY DR           | 0.1   | Less than 0.5 acres |                    |
| 6901    | 43         | 1              | 525 CAVERLY DR           | 0.11  | Less than 0.5 acres |                    |
| 7001    | 5          | 1              | 512 RISLEY RD            | 0.11  | Less than 0.5 acres |                    |
| 7004    | 27         | 1              | 438 W SHORE DR           | 0.1   | Less than 0.5 acres |                    |
| 7101    | 28         | 1              | 507 LAFAYETTE BLVD       | 0.11  | Less than 0.5 acres |                    |
| 7201    | 1          | 1              | 701 STERLING PLACE       | 0.26  | Less than 0.5 acres |                    |
| 7205    | 3          | 1              | 1507 SHERIDAN BLVD       | 0.15  | Less than 0.5 acres |                    |
| 7501    | 6          | 1              | 10 COLLETTE CIRCLE       | 0.11  | Less than 0.5 acres |                    |
| 7501    | 36         | 1              | 805 LAFAYETTE BLVD       | 0.11  | Less than 0.5 acres |                    |
| 7702    | 19         | 1              | 1307 DUNCAN PLACE        | 0.11  | Less than 0.5 acres |                    |
| 7802    | 43         | 1              | 1333 OUIMET RD           | 0.11  | Less than 0.5 acres |                    |
| 8001    | 49         | 1              | 33 VARDON RD             | 0.11  | Less than 0.5 acres |                    |
| 8001    | 53         | 1              | 41 VARDON RD             | 0.11  | Less than 0.5 acres |                    |
| 8102    | 1.01       | 1              | 2 GOLF COURSE DR         | 0.24  | Less than 0.5 acres |                    |
| 8302    | 37.02      | 1              | 1102 SHERIDAN BLVD       | 0.14  | Less than 0.5 acres |                    |

| BLOCK  | LOT   | OWNER              | PROPERTY LOCATION      | PROPERTY LAND DIMENSION | DETAILS                                    | LISTED ON 2016 VLA |
|--------|-------|--------------------|------------------------|-------------------------|--|--------------------|
| 101.01 | 1     | CITY OF BRIGANTINE | BEACH                  | 47.0 ACRES              | Beach - ROSI                               | X                  |
| 101.02 | 1     | CITY OF BRIGANTINE | BEACH                  | 60.0 ACRES              | Beach - ROSI                               | X                  |
| 101.03 | 1     | CITY OF BRIGANTINE | BEACH                  | 132.0 ACRES             | Beach - ROSI                               | X                  |
| 103    | 7     | CITY OF BRIGANTINE | 103 12TH STREET NO     | 237301RREG              | Riparian and NIDEP Lease                   |                    |
| 106    | 20.01 | CITY OF BRIGANTINE | 201 14TH STREET NO     | 75X100                  | Well House                                 |                    |
| 309    | 1     | CITY OF BRIGANTINE | 700 E EVANS BLVD       | 137X101TRI              | Traffic Island                             |                    |
| 505    | 1.01  | CITY OF BRIGANTINE | 203 VERNON PLACE       | 90.22X90.99 IRR         | Well House                                 |                    |
| 801    | 1.01  | CITY OF BRIGANTINE | 349 8TH STREET SO      | 169X200                 | Riparian/Development Restricted - ROSI     |                    |
| 1001   | 5     | CITY OF BRIGANTINE | 14TH STREET SO         | 48.99X200               | Riparian/Development Restricted - ROSI     |                    |
| 1402   | 4     | CITY OF BRIGANTINE | 402 15TH STREET SO     | 102X201RR               | Riparian/Development Restricted - ROSI     |                    |
| 1403   | 1     | CITY OF BRIGANTINE | 1600 OCEAN AVE         | 200.04X127              | Public Parking/Green Acres ROSI            | X                  |
| 1501   | 14    | CITY OF BRIGANTINE | 1300 W BRIGANTINE AVE  | 49.5X125                | Public Parking                             |                    |
| 1502   | 5     | CITY OF BRIGANTINE | 235 14TH STREET SO     | 40X100                  | City Vehicle Parking/Police & Public Works |                    |
| 1502   | 6     | CITY OF BRIGANTINE | 223-231 14TH STREET SO | 120X100                 | City Vehicle Parking/Police & Public Works |                    |
| 1502   | 7     | CITY OF BRIGANTINE | 215 14TH STREET SO     | 80X100                  | Water Tower                                |                    |
| 1504   | 1     | CITY OF BRIGANTINE | 1417 W BRIGANTINE AVE  | 200X200                 | City Hall                                  | X                  |
| 1504   | 2     | CITY OF BRIGANTINE | 201 15TH STREET SO     | 498X201                 | County Library                             | X                  |
| 1505   | 9     | CITY OF BRIGANTINE | 1500 W BRIGANTINE AVE  | 90X125                  | Public Parking                             |                    |
| 1506   | 7     | CITY OF BRIGANTINE | 1500 REVERE BLVD       | 90X130                  | Recreation/Basketball Courts - ROSI        |                    |
| 2008   | 1     | CITY OF BRIGANTINE | 1504 BAYSHORE AVE      | 90.01X125.6             | Haneman Public Park - ROSI                 |                    |
| 2008   | 2     | CITY OF BRIGANTINE | 1500 BAYSHORE AVE      | 90.31X131.3             | Haneman Public Park - ROSI                 |                    |
| 2105   | 4     | CITY OF BRIGANTINE | 2500 W BRIGANTINE AVE  | 5.58AC                  | Park - ROSI                                | X                  |
| 2301   | 1     | CITY OF BRIGANTINE | 27TH STREET SO         | 40X90                   | Public Parking/Green Acres ROSI            |                    |
| 2301   | 6     | CITY OF BRIGANTINE | 402 26TH STREET SO     | 40X90                   | Public Parking/Green Acres ROSI            |                    |
| 2303   | 1     | CITY OF BRIGANTINE | 29TH STREET SO         | 20X90                   | Dunes/Beach Access                         |                    |
| 2303   | 7.02  | CITY OF BRIGANTINE | 404 28TH STREET SO     | 30X90                   | Dunes/Beach Access - ROSI                  |                    |
| 2304   | 1.01  | CITY OF BRIGANTINE | 407 30TH STREET SO     | 65X90                   | Dunes/Beach Access - ROSI                  |                    |
| 2507   | 1     | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD    | IRR                     | Traffic Triangle                           | X                  |
| 2601   | 8     | CITY OF BRIGANTINE | 2601 BAYSHORE AVE      | 100X128                 | Recreation Center - ROSI                   | X                  |
| 2703   | 1     | CITY OF BRIGANTINE | 2519 BAYSHORE AVE      | 51.45X128.5             | City Dock/Beach - ROSI                     |                    |
| 2901   | 3     | CITY OF BRIGANTINE | 3010 BAYSHORE AVE      | 90.55X127.7             | City Parking                               |                    |
| 2901   | 5     | CITY OF BRIGANTINE | 100 31ST STREET SO     | 6570SF                  | VOADV Site (HEFSP SITE)                    |                    |
| 2909   | 1     | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD    | 48X43                   | Veteran's Memorial - ROSI                  |                    |
| 2910   | 1     | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD    | 200X50                  | Lighthouse /Traffic Circle                 | X                  |
| 3103   | 12    | CITY OF BRIGANTINE | 3511 BAYSHORE AVE      | 28X61.85IR              | Utility Building/Parking and Public Works  |                    |
| 3103   | 13    | CITY OF BRIGANTINE | 3513 BAYSHORE AVE      | 28X81.88                | Utility Building/Parking and Public Works  |                    |
| 3103   | 14    | CITY OF BRIGANTINE | 3515 BAYSHORE AVE      | 28X81.88                | Utility Building/Parking and Public Works  |                    |
| 3103   | 15    | CITY OF BRIGANTINE | 3517 BAYSHORE AVE      | 28X81.88                | Utility Building/Parking and Public Works  |                    |
| 3103   | 16    | CITY OF BRIGANTINE | 3519 BAYSHORE AVE      | 28X91.67IRR             | Utility Building/Parking and Public Works  |                    |
| 3103   | 17    | CITY OF BRIGANTINE | 3521 BAYSHORE AVE      | 28X112.84IR             | Utility Building/Parking and Public Works  |                    |
| 3103   | 18.01 | CITY OF BRIGANTINE | 3523 BAYSHORE AVE      | 28X135.81               | Utility Building/Parking and Public Works  |                    |

| BLOCK | LOT   | OWNER              | PROPERTY LOCATION        | PROPERTY LAND DIMENSION | DETAILS                                   | LISTED ON 2016 VLA |
|-------|-------|--------------------|--------------------------|-------------------------|---|--------------------|
| 3103  | 18.02 | CITY OF BRIGANTINE | 3523 BAYSHORE AVE - REAR | 37X42 IRR               | Utility Building/Parking and Public Works |                    |
| 3103  | 19    | CITY OF BRIGANTINE | 3525 BAYSHORE AVE        | 28X158.87               | Utility Building/Parking and Public Works |                    |
| 3103  | 21    | CITY OF BRIGANTINE | 3601 BAYSHORE AVE        | 28X81.88                | Utility Building/Parking and Public Works |                    |
| 3103  | 22    | CITY OF BRIGANTINE | 3603 BAYSHORE AVE        | 28X81.88                | Utility Building/Parking and Public Works |                    |
| 3103  | 23    | CITY OF BRIGANTINE | 3605 BAYSHORE AVE        | 285X170.351             | Utility Building                          | X                  |
| 3103  | 23.01 | CITY OF BRIGANTINE | 3607 BAYSHORE AVE        | 70X43                   | Public Works and Cell Tower               |                    |
| 3103  | 23.02 | CITY OF BRIGANTINE | 37TH STREET SO           | 89X171                  | Public Works                              |                    |
| 3104  | 5     | CITY OF BRIGANTINE | 3625 ATL-BRIGANTINE BLVD | 210X125                 | Historic Museum                           | X                  |
| 3303  | 1     | CITY OF BRIGANTINE | 3400 OCEAN AVE           | 200.16X172.5 IRR        | Park - ROSI                               | X                  |
| 3402  | 21    | CITY OF BRIGANTINE | GOLDENHAMMOCK THOROFARE  | 62X132 IRR              | Riparian                                  |                    |
| 3402  | 22    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 26000 SQ FT             | Riparian                                  | X                  |
| 3402  | 22.02 | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 9750 SQ FT              | Riparian                                  |                    |
| 3402  | 23    | CITY OF BRIGANTINE | UNNAMED STREET           | 25X130                  | Riparian                                  |                    |
| 3502  | 11.01 | CITY OF BRIGANTINE | 44TH STREET SO           | 104.6X100               | Riparian - ROSI                           | X                  |
| 3502  | 11.02 | CITY OF BRIGANTINE | 44TH STREET SO           | 749 X 100               | Riparian/Development Restricted - ROSI    |                    |
| 3502  | 11.03 | CITY OF BRIGANTINE | 44TH STREET SO           | 30X100                  | Riparian/Development Restricted - ROSI    |                    |
| 3502  | 12    | CITY OF BRIGANTINE | 4500 OCEAN FRONT         | 37.193AC                | Beach                                     | X                  |
| 3602  | 26    | CITY OF BRIGANTINE | 42ND STREET SO           | 3.82AC                  | Recreation Center - ROSI                  | X                  |
| 3602  | 27.01 | CITY OF BRIGANTINE | 265 41ST STREET SO       | 540X100                 | St hillips School Property - ROSI         | X                  |
| 3602  | 27.02 | CITY OF BRIGANTINE | 265 42ND STREET SO       | 535X200                 | Recreation Center                         | X                  |
| 3703  | 14    | CITY OF BRIGANTINE | 4201 BAYSHORE AVE        | 100X271.86              | water tower                               |                    |
| 3704  | 2     | CITY OF BRIGANTINE | 115 38TH STREET SO       | 1.86AC                  | Utility Building                          | X                  |
| 3704  | 3     | CITY OF BRIGANTINE | 38TH STREET SO           | 1.33AC                  | Utility Building                          | X                  |
| 3901  | 23    | CITY OF BRIGANTINE | 4300 BAYSHORE AVE        | 9.965AC                 | Playground - ROSI                         | X                  |
| 4702  | 2     | CITY OF BRIGANTINE | 501 CASA DRIVE           | 88.62X103.7             | Parking Area                              |                    |
| 4703  | 16    | CITY OF BRIGANTINE | 530 CASA DRIVE           | 70.53X97.76             | Parking Area                              |                    |
| 5203  | 15    | CITY OF BRIGANTINE | SHIPMASTER DRIVE         | 5X13 IRR                | Too Small                                 |                    |
| 5303  | 1     | CITY OF BRIGANTINE | 415 LAGOON BLVD          | 1.775AC                 | Marsh - ROSI                              | X                  |
| 5601  | 7.01  | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 100X110                 | Riparian                                  |                    |
| 5601  | 7.02  | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 125X110                 | Riparian                                  |                    |
| 5602  | 10    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 340X105                 | Riparian                                  |                    |
| 5602  | 10.01 | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 115X105                 | Riparian                                  |                    |
| 5602  | 11    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 125X105                 | Riparian                                  |                    |
| 5603  | 10    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 150X110                 | Riparian                                  |                    |
| 5603  | 12    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 24X110                  | Riparian                                  |                    |
| 5603  | 13    | CITY OF BRIGANTINE | POINSETTIA WAY           | 25X110                  | Riparian                                  |                    |
| 5604  | 7     | CITY OF BRIGANTINE | LILAC WAY                | 25X90                   | Riparian                                  |                    |
| 5605  | 20    | CITY OF BRIGANTINE | LILAC WAY                | 25X90                   | Riparian                                  |                    |
| 5605  | 21    | CITY OF BRIGANTINE | HYDRANGEA WAY            | 25X90                   | Riparian                                  |                    |
| 5701  | 9     | CITY OF BRIGANTINE | HYDRANGEA WAY            | 25X105                  | Riparian                                  |                    |
| 5701  | 10    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD      | 15X110                  | Riparian                                  |                    |

| BLCK    | LOT   | OWNER              | PROPERTY LOCATION   | PROPERTY LAND DIMENSION | DETAILS                                   | LISTED ON 2016 VLA |
|---------|-------|--------------------|---------------------|-------------------------|---|--------------------|
| 5701    | 11    | CITY OF BRIGANTINE | LAUREL WAY          | 25X105                  | Riparian                                  |                    |
| 5702    | 10    | CITY OF BRIGANTINE | LAUREL WAY          | 25X105                  | Riparian                                  |                    |
| 5702    | 11    | CITY OF BRIGANTINE | MAGNOLIA WAY        | 50X100                  | Riparian                                  |                    |
| 5704    | 20    | CITY OF BRIGANTINE | ATL-BRIGANTINE BLVD | 25X90                   | Riparian                                  |                    |
| 5704    | 21    | CITY OF BRIGANTINE | MAGNOLIA WAY        | 25X90                   | Riparian                                  |                    |
| 5705    | 9     | CITY OF BRIGANTINE | MAGNOLIA WAY        | 25X90                   | Riparian                                  |                    |
| 5901    | 5.01  | CITY OF BRIGANTINE | 240 HAGEN RD        | 110X100 IRR             | Sewer Lift Station                        |                    |
| 5902    | 1     | CITY OF BRIGANTINE | SHERIDAN BLVD       | 47X41                   | Traffic Island                            |                    |
| 6001    | 31    | CITY OF BRIGANTINE | 1208A E SHORE DR    | 25X100                  | Drainage Pipe/Too Small                   |                    |
| 6004    | 1     | CITY OF BRIGANTINE | SHERIDAN BLVD       | 95X95                   | Traffic Island                            |                    |
| 6205    | 15    | CITY OF BRIGANTINE | JENKINS PARKWAY     | 50X50                   | Right of Way                              |                    |
| 6604    | 1     | CITY OF BRIGANTINE | QUAY CIRCLE         | 200X200                 | Traffic Island                            |                    |
| 6705    | 1     | CITY OF BRIGANTINE | 518 BAYSHORE AVE    | 521.36X83               | Brigantine Rowing Boathouse - Dock - ROSI |                    |
| 6705.01 | 1     | CITY OF BRIGANTINE | BAYSHORE AVENUE     | 89X87                   | Traffic Island                            |                    |
| 6802    | 1     | CITY OF BRIGANTINE | PUTNAM PLACE        | 161X110                 | Water Tower                               |                    |
| 6803    | 1     | CITY OF BRIGANTINE | FRANKLIN PLACE      | 161X117                 | Traffic Island                            |                    |
| 6810    | 1     | CITY OF BRIGANTINE | ROOSEVELT BLVD      | .40 AC                  | Traffic Circle/Island                     |                    |
| 6901    | 1     | CITY OF BRIGANTINE | 100 BAYSHORE AVE    | 281.39X100              | Pumping Station                           | x                  |
| 6901    | 16    | CITY OF BRIGANTINE | 411 LAFAYETTE BLVD  | 25X100                  | Drainage Pipe/Too Small                   |                    |
| 6901    | 102   | CITY OF BRIGANTINE | LINCOLN DRIVE       | 25X100 .74IR            | Drainage Pipe/Too Small                   |                    |
| 6901    | 110   | CITY OF BRIGANTINE | ROOSEVELT BLVD      | 45X106 IRR              | Pump Station                              |                    |
| 6901    | 112   | CITY OF BRIGANTINE | ROOSEVELT BLVD      | .26 AC                  | Part of Pump Station Lot                  |                    |
| 6902    | 19    | CITY OF BRIGANTINE | LAFAYETTE BLVD      | 25X200                  | Drainage Pipe/Too Small                   |                    |
| 7202    | 2     | CITY OF BRIGANTINE | BOBBY JONES RD      | 25X164                  | Drainage Pipe/Too Small                   |                    |
| 7205    | 5     | CITY OF BRIGANTINE | W SHORE DR          | 25X200                  | Drainage Pipe/Too Small                   |                    |
| 7208    | 4     | CITY OF BRIGANTINE | W SHORE DR          | 25X150                  | Drainage Pipe/Too Small                   |                    |
| 7501    | 50    | CITY OF BRIGANTINE | 609 LAFAYETTE BLVD  | 25X100                  | Drainage Pipe/Too Small                   |                    |
| 7501    | 55    | CITY OF BRIGANTINE | 1425 SHERIDAN BLVD  | 100X100                 | Pump Station                              |                    |
| 7902    | 27    | CITY OF BRIGANTINE | 1038AN SHORE DR     | 25X114                  | Drainage Pipe/Outflow                     |                    |
| 8002    | 1     | CITY OF BRIGANTINE | ROOSEVELT BLVD      | 94X350                  | Traffic Island                            |                    |
| 8101    | 1     | CITY OF BRIGANTINE | 1517 E SHORE DR     | 92.88X100IR             | Pink Park - Playground - ROSI             |                    |
| 8102    | 1.13  | CITY OF BRIGANTINE | 26 GOLF COURSE DR   | 609.59X260.54 IRR       | Dedicated Open Space - ROSI               | x                  |
| 8200    | 1     | CITY OF BRIGANTINE | SHERIDAN BLVD       | 93.95X86IRR             | Traffic Island                            |                    |
| 8300    | 1     | CITY OF BRIGANTINE | HEALD ROAD          | IRREGULAR               | Traffic Island                            |                    |
| 8301    | 25    | CITY OF BRIGANTINE | ROOSEVELT BLVD      | 25X190                  | Drainage Pipe/Too Small                   |                    |
| 8302    | 21    | CITY OF BRIGANTINE | LINCOLN DRIVE       | 25X198                  | Drainage Pipe/Too Small                   |                    |
| 8401    | 39.01 | CITY OF BRIGANTINE | 101A WASHINGTON DR  | 25X100 .04IR            | Golf Course - ROSI                        |                    |
| 8402    | 1     | CITY OF BRIGANTINE | HEALD CIRCLE        | 106X106                 | Traffic Island                            |                    |
| 8501    | 1     | CITY OF BRIGANTINE | 1 GOLF COURSE DR    | 185AC                   | Deed Restricted Golf Course - ROSI        | x                  |
| 8501    | 63    | CITY OF BRIGANTINE | 1041 N SHORE DR     | 50X82.50                | Drainage/Too Small                        |                    |

| BLOCK | LOT   | OWNER                    | PROPERTY LOCATION        | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|-------|-------|--------------------------|--------------------------|-------------------------|----------|---------------------|
| 103   | 7.01  | STATE OF NEW JERSEY D EP | 103 12TH STREET NO       | 2475 SQ FT              | Riparian |                     |
| 103   | 8.01  | STATE OF NEW JERSEY D EP | EVANS BLVD               | 105 SQ FT               | Riparian |                     |
| 1202  | 1.03  | STATE OF NEW JERSEY D EP | 601 BAYSHORE AVE         | 17865 SQ FT             | Riparian |                     |
| 1205  | 1.10  | STATE OF NEW JERSEY D EP | 701 BAYSHORE AVENUE      | 23674 SQ FT             | Riparian | x                   |
| 1301  | 1.01  | STATE OF NEW JERSEY D EP | 919 BAYSHORE AVE         | 4451 SQ FT              | Riparian |                     |
| 1301  | 2.01  | STATE OF NEW JERSEY D EP | 913 BAYSHORE AVE         | 2160 SQ FT              | Riparian |                     |
| 1301  | 3.01  | STATE OF NEW JERSEY D EP | 907 BAYSHORE AVE         | 2618 SQ FT              | Riparian |                     |
| 1301  | 4.03  | STATE OF NEW JERSEY D EP | 821-825 BAYSHORE AVE     | 4620 SQ FT              | Riparian |                     |
| 1301  | 5.03  | STATE OF NEW JERSEY D EP | 819 BAYSHORE AVE         | 4095 SQ FT              | Riparian |                     |
| 1301  | 6.03  | STATE OF NEW JERSEY D EP | 807 BAYSHORE AVE         | 1786 SQ FT              | Riparian |                     |
| 1301  | 7.01  | STATE OF NEW JERSEY D EP | 801 BAYSHORE AVE         | 2619 SQ FT              | Riparian |                     |
| 1304  | 1.15  | STATE OF NEW JERSEY D EP | 1125 BAYSHORE AVE        | 35640 SQ FT             | Riparian | x                   |
| 1304  | 2.03  | STATE OF NEW JERSEY D EP | 1031 BAYSHORE AVE        | 3143 SQ FT              | Riparian |                     |
| 1304  | 3.01  | STATE OF NEW JERSEY D EP | 1001 BAYSHORE AVE        | 8398 SQ FT              | Riparian |                     |
| 1304  | 3.02  | STATE OF NEW JERSEY D EP | 1001 BAYSHORE AVE        | 840 SQ FT               | Riparian |                     |
| 1304  | 3.03  | STATE OF NEW JERSEY D EP | 1001 BAYSHORE AVE        | 2375 SQ FT              | Riparian |                     |
| 1701  | 1.01  | STATE OF NEW JERSEY D EP | 1313 BAYSHORE AVE        | 4004 SQ FT              | Riparian |                     |
| 1701  | 3.01  | STATE OF NEW JERSEY D EP | 1229 BAYSHORE AVE        | 1950 SQ FT              | Riparian |                     |
| 1701  | 5.01  | STATE OF NEW JERSEY D EP | 1217 BAYSHORE AVE        | 4120 SQ FT              | Riparian |                     |
| 1701  | 6.01  | STATE OF NEW JERSEY D EP | 1203 BAYSHORE AVE        | 4383 SQ FT              | Riparian |                     |
| 1701  | 7.01  | STATE OF NEW JERSEY D EP | 1201 BAYSHORE AVE        | 2194 SQ FT              | Riparian |                     |
| 2001  | 4.01  | STATE OF NEW JERSEY D EP | 119TH STREET SO          | 2669.75 SQ FT           | Riparian |                     |
| 2002  | 9.01  | STATE OF NEW JERSEY D EP | 118TH STREET SO          | 1643 SQ FT              | Riparian |                     |
| 2003  | 5.01  | STATE OF NEW JERSEY D EP | 151 17TH STREET SO       | 3330 SQ FT              | Riparian |                     |
| 2003  | 7.01  | STATE OF NEW JERSEY D EP | 117TH STREET SO          | 13205 SQ FT             | Riparian |                     |
| 2003  | 8.01  | STATE OF NEW JERSEY D EP | 216TH STREET SO          | 2495.65 SQ FT           | Riparian |                     |
| 2004  | 1.03  | STATE OF NEW JERSEY D EP | 1519 BAYSHORE AVE        | 2100 SQ FT              | Riparian |                     |
| 2004  | 2.01  | STATE OF NEW JERSEY D EP | 1507 BAYSHORE AVE        | 2161.49 SQ FT           | Riparian |                     |
| 2004  | 3.01  | STATE OF NEW JERSEY D EP | 1501 BAYSHORE AVE        | 2754 SQ FT              | Riparian |                     |
| 2004  | 4.01  | STATE OF NEW JERSEY D EP | 1429 BAYSHORE AVE        | 1110 SQ FT              | Riparian |                     |
| 2004  | 5.01  | STATE OF NEW JERSEY D EP | 1419 BAYSHORE AVE        | 5493 SQ FT              | Riparian |                     |
| 2004  | 6.01  | STATE OF NEW JERSEY D EP | 1413 BAYSHORE AVE        | 5289 SQ FT              | Riparian |                     |
| 2004  | 7.01  | STATE OF NEW JERSEY D EP | 1401 BAYSHORE AVE        | 2835 SQ FT              | Riparian |                     |
| 2201  | 7.01  | STATE OF NEW JERSEY D EP | 2213 BAYSHORE AVE        | 2077.79 SQ FT           | Riparian |                     |
| 2201  | 8.01  | STATE OF NEW JERSEY D EP | 2201 BAYSHORE AVE        | 4980 SQ FT              | Riparian |                     |
| 2202  | 1.01  | STATE OF NEW JERSEY D EP | 2119 BAYSHORE AVE        | 5600 SQ FT              | Riparian |                     |
| 2202  | 4.01  | STATE OF NEW JERSEY D EP | 2107 BAYSHORE AVE        | 1613 SQ FT              | Riparian |                     |
| 2202  | 5.01  | STATE OF NEW JERSEY D EP | 2105 BAYSHORE AVE        | 1296 SQ FT              | Riparian |                     |
| 2602  | 9.01  | STATE OF NEW JERSEY D EP | 2407 BAYSHORE AVE        | 2680 SQ FT              | Riparian |                     |
| 2701  | 3.01  | STATE OF NEW JERSEY      | 3107 BAYSHORE AVE        | 1337 SQ FT              | Riparian |                     |
| 2701  | 4.01  | STATE OF NJ D EP         | 3101 BAYSHORE AVE        | 8500 SQ FT              | Riparian |                     |
| 3104  | 5.01  | STATE OF NEW JERSEY      | 3625 ATL-BRIGANTINE BLVD | 1815 SQ FT              | Riparian |                     |
| 3104  | 10.03 | STATE OF NEW JERSEY D EP | 3601 ATL-BRIGANTINE BLVD | 210 SQ FT               | Riparian |                     |
| 3402  | 6.08  | STATE OF NEW JERSEY D EP | 4153 ATL-BRIGANTINE BLVD | 4991 SQ FT              | Riparian |                     |
| 3403  | 7.06  | STATE OF NEW JERSEY D EP | 4200 ATL-BRIGANTINE BLVD | 1777.7 SQ FT            | Riparian |                     |
| 3404  | 2.01  | STATE OF NJ D EP         | 4156 ATL-BRIGANTINE BLVD | 1835.6 SQ FT            | Riparian |                     |
| 3404  | 4.04  | STATE OF NEW JERSEY D EP | 4148 ATL-BRIGANTINE BLVD | 2675 SQ FT              | Riparian |                     |
| 3404  | 5.01  | STATE OF NJ DEP          | 4144 ATL-BRIGANTINE BLVD | 2080 SQ FT              | Riparian |                     |
| 3404  | 6.01  | STATE OF NJ DEP          | 4140 ATL-BRIGANTINE BLVD | 2294.63 SQ FT           | Riparian |                     |
| 3404  | 7.04  | STATE OF NEW JERSEY D EP | 4136 ATL-BRIGANTINE BLVD | 4830 SQ FT              | Riparian |                     |
| 3404  | 8.03  | STATE OF NEW JERSEY      | 4132 ATL-BRIGANTINE BLVD | 1340.6 SQ FT            | Riparian |                     |
| 3404  | 9.03  | STATE OF NEW JERSEY D EP | 4128 ATL-BRIGANTINE BLVD | 1796.04 SQ FT           | Riparian |                     |
| 3404  | 11.03 | STATE OF NJ D EP         | 4120 ATL-BRIGANTINE AVE  | 1674.70 SQ FT           | Riparian |                     |
| 3404  | 12.01 | STATE OF NEW JERSEY D EP | 4116 ATL-BRIGANTINE BLVD | 4800 SQ FT              | Riparian |                     |
| 3404  | 15.01 | STATE OF NEW JERSEY      | 4104 ATL-BRIGANTINE BLVD | 915.90 SQ FT            | Riparian |                     |

| BLOCK | LOT   | OWNER                    | PROPERTY LOCATION        | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|-------|-------|--------------------------|--------------------------|-------------------------|----------|---------------------|
| 5201  | 2.02  | STATE OF NEW JERSEY D EP | 19 ATLANTIS COVE         | 490 SQFT                | Riparian |                     |
| 5201  | 3.02  | STATE OF NEW JERSEY D EP | 17 ATLANTIS COVE         | 455 SQFT                | Riparian |                     |
| 5201  | 4.02  | STATE OF NEW JERSEY D EP | 15 ATLANTIS COVE         | 420 SQFT                | Riparian |                     |
| 5201  | 5.02  | STATE OF NEW JERSEY D EP | 13 ATLANTIS COVE         | 840 SQFT                | Riparian |                     |
| 5201  | 6.02  | STATE OF NEW JERSEY D EP | 11 ATLANTIS COVE         | 420 SQFT                | Riparian |                     |
| 5201  | 7.02  | STATE OF NEW JERSEY D EP | 9 ATLANTIS COVE          | 420 SQFT                | Riparian |                     |
| 5201  | 8.02  | STATE OF NEW JERSEY D EP | 7 ATLANTIS COVE          | 756.98 SQFT             | Riparian |                     |
| 5201  | 9.02  | STATE OF NEW JERSEY D EP | 5 ATLANTIS COVE          | 320 SQFT                | Riparian |                     |
| 5201  | 10.02 | STATE OF NEW JERSEY D EP | 3 ATLANTIS COVE          | 396 SQFT                | Riparian |                     |
| 5201  | 16.02 | STATE OF NEW JERSEY D EP | 89 LAGOON BLVD           | 2635.20 SQFT            | Riparian |                     |
| 5201  | 19.02 | STATE OF NJ D EP         | 83 LAGOON BLVD           | 1487.5 SQFT             | Riparian |                     |
| 5201  | 20.02 | STATE OF NEW JERSEY D EP | 81 LAGOON BLVD           | 1045.36 SQFT            | Riparian |                     |
| 5305  | 8.01  | STATE OF NJ D EP         | 315-317 GULL COVE        | 1803 SQ FT              | Riparian |                     |
| 5305  | 14.01 | STATE OF NJ D EP         | 327-329 GULL COVE        | 1535.75                 | Riparian |                     |
| 5305  | 16.01 | STATE OF NJ D EP         | 331-333 GULL COVE        | 1708.96 SQ FT           | Riparian |                     |
| 5601  | 3.02  | STATE OF NJ D EP         | 4813 ATL-BRIGANTINE BLVD | 2543.13 SQ FT           | Riparian |                     |
| 5601  | 4.02  | STATE OF NEW JERSEY      | 4809 ATL-BRIGANTINE BLVD | 1384 SQ FT              | Riparian |                     |
| 5601  | 5.02  | STATE OF NJ D EP         | 4805 ATL-BRIGANTINE BLVD | 1777.25 SQ FT           | Riparian |                     |
| 5602  | 1.02  | STATE OF NJ D EP         | 4733 ATL-BRIGANTINE BLVD | 1204 SQ FT              | Riparian |                     |
| 5602  | 6.02  | STATE OF NJ D EP         | 4713 ATL-BRIGANTINE BLVD | 623.56 SQ FT            | Riparian |                     |
| 5602  | 7.03  | STATE OF NEW JERSEY      | 4709 ATL-BRIGANTINE BLVD | 1925 SQ FT              | Riparian |                     |
| 5603  | 6.01  | STATE OF NEW JERSEY D EP | 4615 ATL-BRIGANTINE BLVD | 4750 SQ FT              | Riparian |                     |
| 5603  | 8.01  | STATE OF NEW JERSEY D EP | 4601 ATL-BRIGANTINE BLVD | 7600 SQ FT              | Riparian |                     |
| 5605  | 16.03 | STATE OF NEW JERSEY D EP | 4612 ATL-BRIGANTINE BLVD | 1682.24 SQFT            | Riparian |                     |
| 5605  | 18.03 | STATE OF NJ D EP         | 4604 ATL-BRIGANTINE BLVD | 1916.08 SQ FT           | Riparian |                     |
| 5605  | 19.02 | STATE OF NEW JERSEY D EP | 4600 ATL-BRIGANTINE BLVD | 2352 SQFT               | Riparian |                     |
| 5701  | 2.02  | STATE OF NEW JERSEY D EP | 4529 ATL-BRIGANTINE BLVD | 3325 SQ FT              | Riparian |                     |
| 5701  | 3.01  | STATE OF NEW JERSEY D EP | 4525 ATL-BRIGANTINE BLVD | 3325 SQ FT              | Riparian |                     |
| 5701  | 5.04  | STATE OF NEW JERSEY D EP | 4513 ATL-BRIGANTINE BLVD | 960 SQ FT               | Riparian |                     |
| 5701  | 6.04  | STATE OF NEW JERSEY D EP | 4509 ATL-BRIGANTINE BLVD | 2100 SQ FT              | Riparian |                     |
| 5701  | 7.03  | STATE OF NEW JERSEY D EP | 4505 ATL-BRIGANTINE BLVD | 1000 SQ FT              | Riparian |                     |
| 5702  | 1.02  | STATE OF NEW JERSEY D EP | 4433 ATL-BRIGANTINE BLVD | 937.5 SQ FT             | Riparian |                     |
| 5702  | 2.02  | STATE OF NEW JERSEY D EP | 4429 ATL-BRIGANTINE BLVD | 937.5 SQ FT             | Riparian |                     |
| 5702  | 3.01  | STATE OF NEW JERSEY D EP | 4425 ATL-BRIGANTINE BLVD | 800 SQ FT               | Riparian |                     |
| 5702  | 6.02  | STATE OF NJ D EP         | 4413 ATL-BRIGANTINE BLVD | 1179.75 SQ FT           | Riparian |                     |
| 5702  | 7.02  | STATE OF NEW JERSEY D EP | 4401 ATL-BRIGANTINE BLVD | 28000 SQ FT             | Riparian | x                   |
| 5703  | 1.01  | STATE OF NEW JERSEY D EP | 4329 ATL-BRIGANTINE BLVD | 7000 SQ FT              | Riparian |                     |
| 5703  | 2.03  | STATE OF NEW JERSEY D EP | 4325 ATL-BRIGANTINE BLVD | 3458 SQ FT              | Riparian |                     |
| 5703  | 3.03  | STATE OF NEW JERSEY D EP | 4321 ATL-BRIGANTINE BLVD | 1900 SQ FT              | Riparian |                     |
| 5704  | 1.03  | STATE OF NEW JERSEY D EP | 4332 ATL-BRIGANTINE BLVD | 2140 SQ FT              | Riparian |                     |
| 5704  | 3.01  | STATE OF NJ D EP         | 4324 ATL-BRIGANTINE BLVD | 1993.84 SQ FT           | Riparian |                     |
| 5704  | 4.03  | STATE OF NEW JERSEY      | 4320 ATL-BRIGANTINE BLVD | 1540.40 SQ FT           | Riparian |                     |
| 5704  | 5.03  | STATE OF NEW JERSEY D EP | 4316 ATL-BRIGANTINE BLVD | 1230 SQ FT              | Riparian |                     |
| 5704  | 6.01  | STATE OF NJ D EP         | 4312 ATL-BRIGANTINE BLVD | 1508 SQ FT              | Riparian |                     |
| 5704  | 8.01  | STATE OF NJ D EP         | 4304 ATL-BRIGANTINE BLVD | 1136.80 SQ FT           | Riparian |                     |
| 5704  | 9.02  | STATE OF NEW JERSEY D EP | 4300 ATL-BRIGANTINE BLVD | 1902.03 SQ FT           | Riparian |                     |
| 5704  | 10.01 | STATE OF NEW JERSEY D EP | 4336 ATL-BRIGANTINE BLVD | 1160 SQ FT              | Riparian |                     |
| 5704  | 11.01 | STATE OF NEW JERSEY DEP  | 4432 ATL-BRIGANTINE BLVD | 1109.95 SQ FT           | Riparian |                     |
| 5704  | 12.03 | STATE OF NEW JERSEY      | 4428 ATL-BRIGANTINE BLVD | 1618.8 SQ FT            | Riparian |                     |
| 5704  | 13.04 | STATE OF NEW JERSEY D EP | 4424 ATL-BRIGANTINE BLVD | 1255 SQ FT              | Riparian |                     |
| 5704  | 17.04 | STATE OF NEW JERSEY D EP | 4408 ATL-BRIGANTINE BLVD | 480.87 SQ FT            | Riparian |                     |
| 5704  | 18.01 | STATE OF NEW JERSEY      | 4404 ATL-BRIGANTINE BLVD | 1638 SQ FT              | Riparian |                     |
| 5705  | 1.01  | STATE OF NEW JERSEY D EP | 4328 ATL-BRIGANTINE BLVD | 728 SQ FT               | Riparian |                     |
| 5705  | 2.01  | STATE OF NJ D EP         | 4324 ATL-BRIGANTINE BLVD | 994.13 SQ FT            | Riparian |                     |
| 5705  | 3.03  | STATE OF NEW JERSEY D EP | 4320 ATL-BRIGANTINE BLVD | 1050 SQ FT              | Riparian |                     |

| BLOCK   | LOT   | OWNER                    | PROPERTY LOCATION        | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|---------|-------|--------------------------|--------------------------|-------------------------|----------|---------------------|
| 5705    | 4.02  | STATE OF NJ D EP         | 4316 ATL-BRIGANTINE BLVD | 1102 SQ FT              | Riparian |                     |
| 5705    | 5.02  | STATE OF NJ D EP         | 4312 ATL-BRIGANTINE BLVD | 1430 SQ FT              | Riparian |                     |
| 5705    | 6.01  | STATE OF NEW JERSEY D EP | 4306 ATL-BRIGANTINE BLVD | 1275 SQ FT              | Riparian |                     |
| 5705    | 7.04  | STATE OF NEW JERSEY D EP | 4304 ATL-BRIGANTINE BLVD | 1091.40 SF              | Riparian |                     |
| 5803    | 1.04  | STATE OF NEW JERSEY D EP | 1425 E SHORE DR          | 6850 SQ FT              | Riparian |                     |
| 5803    | 1.05  | STATE OF NEW JERSEY D EP | 1423 E SHORE DR          | 1371.5 SQ FT            | Riparian |                     |
| 5803    | 1.06  | STATE OF NEW JERSEY      | 1427 E SHORE DRIVE       | 1339.36 SQ FT           | Riparian |                     |
| 5803    | 3.01  | STATE OF NEW JERSEY D EP | 1419 E SHORE DR          | 1967 SQ FT              | Riparian |                     |
| 5803    | 4.01  | STATE OF NEW JERSEY D EP | 1417 E SHORE DR          | 107 SQ FT               | Riparian |                     |
| 5803    | 5.03  | STATE OF NEW JERSEY D EP | 1415 E SHORE DR          | 7478 SQ FT              | Riparian |                     |
| 5803    | 6.03  | STATE OF NEW JERSEY D EP | 1413 E SHORE DR          | 7952 SQ FT              | Riparian |                     |
| 5803    | 7.01  | STATE OF NEW JERSEY D EP | 1411 E SHORE DR          | 7527 SQ FT              | Riparian |                     |
| 5803    | 8.01  | STATE OF NEW JERSEY D EP | 1409 E SHORE DR          | 1598 SQ FT              | Riparian |                     |
| 5803    | 9.01  | STATE OF NEW JERSEY D EP | 1407 E SHORE DR          | 2588 SQ FT              | Riparian |                     |
| 5803    | 11.01 | STATE OF NEW JERSEY D EP | 1403 E SHORE DR          | 2553 SQ FT              | Riparian |                     |
| 5803    | 12.03 | STATE OF NEW JERSEY D EP | 1401 E SHORE DR          | 7262 SQ FT              | Riparian |                     |
| 5803    | 13.01 | STATE OF NEW JERSEY D EP | 1311 E SHORE DR          | 1823 SQ FT              | Riparian |                     |
| 5803    | 16.01 | STATE OF NEW JERSEY D EP | 1305 E SHORE DR          | 3200 SQ FT              | Riparian |                     |
| 5803    | 17.03 | STATE OF NEW JERSEY D EP | 1303 E SHORE DR          | 4450 SQ FT              | Riparian |                     |
| 5803    | 18.01 | STATE OF NEW JERSEY D EP | 1301 E SHORE DR          | 2664 SQ FT              | Riparian |                     |
| 5803    | 19.01 | STATE OF NEW JERSEY D EP | 1229 E SHORE DR          | 4823 SQ FT              | Riparian |                     |
| 5803    | 20.01 | STATE OF NEW JERSEY D EP | 1227 E SHORE DR          | 3435 SQ FT              | Riparian |                     |
| 5803    | 21.01 | STATE OF NEW JERSEY D EP | 1225 E SHORE DR          | 4580 SQ FT              | Riparian |                     |
| 5803    | 23.02 | STATE OF NEW JERSEY D EP | 1221 E SHORE DR          | 11885 SQ FT             | Riparian |                     |
| 6001.01 | 32.02 | STATE OF NEW JERSEY D EP | 1209 E SHORE DR          | 3512 SQ FT              | Riparian |                     |
| 6001.01 | 33.02 | STATE OF NEW JERSEY D EP | 1207 E SHORE DR          | 2390 SQ FT              | Riparian |                     |
| 6001.01 | 37.02 | STATE OF NJ D EP         | 1115 E SHORE DR          | 2672.43 SQ FT           | Riparian |                     |
| 6105    | 39.02 | STATE OF NEW JERSEY D EP | 1111 E SHORE DR          | 1976.5 SQ FT            | Riparian |                     |
| 6105    | 1.02  | STATE OF NEW JERSEY D EP | 1121H STREET NO          | 2695 SQ FT              | Riparian |                     |
| 6105    | 2.02  | STATE OF NEW JERSEY D EP | 1101 E SHORE DR          | 5100 SQ FT              | Riparian |                     |
| 6105    | 3.03  | STATE OF NEW JERSEY D EP | 1003 E SHORE DR          | 1623.43 SQ FT           | Riparian |                     |
| 6105    | 4.03  | STATE OF NEW JERSEY D EP | 1005 E SHORE DR          | 1585.67 SQ FT           | Riparian |                     |
| 6105    | 5.03  | STATE OF NEW JERSEY D EP | 1007 E SHORE DR          | 1617.18 SQ FT           | Riparian |                     |
| 6105    | 5.04  | STATE OF NEW JERSEY D EP | 1005-11 E SHORE DR       | 20957 SQ FT             | Riparian |                     |
| 6105    | 6.03  | STATE OF NEW JERSEY D EP | 1009 E SHORE DR          | 1575.55 SQ FT           | Riparian |                     |
| 6105    | 7.03  | STATE OF NEW JERSEY D EP | 1011 E SHORE DR          | 2010.13 SQ FT           | Riparian |                     |
| 6105    | 8.03  | STATE OF NEW JERSEY D EP | 1013 E SHORE DR          | 2709 SQ FT              | Riparian |                     |
| 6105    | 12.01 | STATE OF NEW JERSEY D EP | 1107 E SHORE DR          | 3511 SQ FT              | Riparian |                     |
| 6202.01 | 18.02 | STATE OF NEW JERSEY D EP | 2121H STREET NO          | 800 SQ FT               | Riparian |                     |
| 6202.01 | 19.02 | STATE OF NEW JERSEY D EP | 4121H STREET NO          | 3060 SQ FT              | Riparian |                     |
| 6202.01 | 20.02 | STATE OF NEW JERSEY D EP | 6121H STREET NO          | 3400 SQ FT              | Riparian |                     |
| 6202.01 | 21.02 | STATE OF NEW JERSEY D EP | 8121H STREET NO          | 3150 SQ FT              | Riparian |                     |
| 6202.01 | 22.02 | STATE OF NEW JERSEY D EP | 10121H STREET NO         | 3150 SQ FT              | Riparian |                     |
| 6202.01 | 24.02 | STATE OF NEW JERSEY D EP | 14121H STREET NO         | 3750 SQ FT              | Riparian |                     |
| 6202.01 | 25.02 | STATE OF NEW JERSEY      | 12 STREET NO             | 1516 SQ FT              | Riparian |                     |
| 6202.01 | 27.02 | STATE OF NEW JERSEY D EP | 20121H STREET NO         | 3675 SQ FT              | Riparian |                     |
| 6202.01 | 28.02 | STATE OF NEW JERSEY D EP | 22121H STREET NO         | 5000 SQ FT              | Riparian |                     |
| 6202.01 | 29.02 | STATE OF NEW JERSEY D EP | 24121H STREET NO         | 1730 SQ FT              | Riparian |                     |
| 6202.01 | 30.02 | STATE OF NEW JERSEY D EP | 26121H STREET NO         | 6000 SQ FT              | Riparian |                     |
| 6202.01 | 31.02 | STATE OF NEW JERSEY D EP | 1107 JENKINS PKWY        | 2635 SQ FT              | Riparian |                     |
| 6202.01 | 32.02 | STATE OF NEW JERSEY D EP | 1106 JENKINS PKWY        | 2357 SQ FT              | Riparian |                     |
| 6203.01 | 10.02 | STATE OF NEW JERSEY D EP | 1102 JENKINS PKWY        | 2100 SQ FT              | Riparian |                     |
| 6203.01 | 11.02 | STATE OF NEW JERSEY D EP | 1106 JENKINS PKWY        | 3400 SQ FT              | Riparian |                     |
| 6203.01 | 13.02 | STATE OF NEW JERSEY D EP | 32121H STREET NO         | 2000 SQ FT              | Riparian |                     |
| 6203.01 | 14.02 | STATE OF NEW JERSEY D EP | 34121H STREET NO         | 2417 SQ FT              | Riparian |                     |

| BLOCK   | LOT   | OWNER                    | PROPERTY LOCATION | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|---------|-------|--------------------------|-------------------|-------------------------|----------|---------------------|
| 6203.01 | 15.02 | STATE OF NEW JERSEY D EP | 38 12TH STREET NO | 4070 SQ FT              | Riparian |                     |
| 6203.01 | 16.02 | STATE OF NEW JERSEY D EP | 40 12TH STREET NO | 1626 SQ FT              | Riparian |                     |
| 6203.01 | 17.02 | STATE OF NEW JERSEY D EP | 42 12TH STREET NO | 4025 SQ FT              | Riparian |                     |
| 6705    | 2.01  | STATE OF NEW JERSEY D EP | 518 BAYSHORE AVE  | 4800 SQ FT              | Riparian |                     |
| 6705    | 5.01  | STATE OF NEW JERSEY D EP | 500 BAYSHORE AVE  | 876 SQ FT               | Riparian |                     |
| 6705    | 6.01  | STATE OF NEW JERSEY D EP | 424 BAYSHORE AVE  | 4750 SQ FT              | Riparian |                     |
| 6705    | 10.01 | STATE OF NEW JERSEY D EP | 400 BAYSHORE AVE  | 525 SQ FT               | Riparian |                     |
| 6705    | 12.01 | STATE OF NEW JERSEY D EP | 324 BAYSHORE AVE  | 27686 SQ FT             | Riparian | x                   |
| 6705    | 19.02 | STATE OF NEW JERSEY D EP | 300 BAYSHORE AVE  | 1140 SQ FT              | Riparian |                     |
| 7004    | 1.01  | STATE OF NEW JERSEY D EP | 490 W SHORE DR    | 13077 SQ FT             | Riparian |                     |
| 7004    | 2.01  | STATE OF NEW JERSEY D EP | 488 W SHORE DR    | 11597 SQ FT             | Riparian |                     |
| 7004    | 5.05  | STATE OF NEW JERSEY D EP | 482 W SHORE DR    | 5876 SQ FT              | Riparian |                     |
| 7004    | 6.02  | STATE OF NEW JERSEY D EP | 480 W SHORE DR    | 820 SQ FT               | Riparian |                     |
| 7004    | 7.03  | STATE OF NEW JERSEY D EP | 476 W SHORE DR    | 7000 SQ FT              | Riparian |                     |
| 7004    | 11.02 | STATE OF NEW JERSEY D EP | 470 W SHORE DR    | 5102 SQ FT              | Riparian |                     |
| 7004    | 14.01 | STATE OF NEW JERSEY D EP | 464 W SHORE DR    | 2796 SQ FT              | Riparian |                     |
| 7004    | 14.02 | STATE OF NEW JERSEY D EP | 464 W SHORE DR    | 112 SQ FT               | Riparian |                     |
| 7004    | 15.01 | STATE OF NEW JERSEY D EP | 462 W SHORE DR    | 1646 SQ FT              | Riparian |                     |
| 7004    | 18.01 | STATE OF NEW JERSEY D EP | 456 W SHORE DR    | 2358 SQ FT              | Riparian |                     |
| 7004    | 19.04 | STATE OF NEW JERSEY D EP | 454 W SHORE DR    | 2316 SQ FT              | Riparian |                     |
| 7004    | 20.07 | STATE OF NEW JERSEY D EP | 450 W SHORE DR    | 7906.11 SQ FT           | Riparian |                     |
| 7004    | 37.01 | STATE OF NEW JERSEY D EP | 418 W SHORE DR    | 1498.5 SQ FT            | Riparian |                     |
| 7004    | 38.01 | STATE OF NEW JERSEY D EP | 416 W SHORE DR    | 4570 SQ FT              | Riparian |                     |
| 7103    | 1.01  | STATE OF NEW JERSEY D EP | 500 W SHORE DR    | 2406 SQ FT              | Riparian |                     |
| 7103    | 2.01  | STATE OF NEW JERSEY D EP | 502 W SHORE DR    | 1100.50 SQ FT           | Riparian |                     |
| 7103    | 5.01  | STATE OF NEW JERSEY D EP | 508 W SHORE DR    | 3092 SQ FT              | Riparian |                     |
| 7103    | 6.02  | STATE OF NEW JERSEY D EP | 510 W SHORE DR    | 3200 SQ FT              | Riparian |                     |
| 7103    | 8.01  | STATE OF NEW JERSEY D EP | 514 W SHORE DR    | 2540 SQ FT              | Riparian |                     |
| 7103    | 9.01  | STATE OF NEW JERSEY D EP | 516 W SHORE DR    | 1281.50 SQ FT           | Riparian |                     |
| 7103    | 12.01 | STATE OF NEW JERSEY D EP | 522 W SHORE DR    | 2251 SQ FT              | Riparian |                     |
| 7103    | 13.01 | STATE OF NEW JERSEY D EP | 524 W SHORE DR    | 1778 SQ FT              | Riparian |                     |
| 7103    | 14.02 | STATE OF NEW JERSEY D EP | 528 W SHORE DR    | 2040 SQ FT              | Riparian |                     |
| 7103    | 15.01 | STATE OF NEW JERSEY D EP | 530 W SHORE DR    | 3925 SQ FT              | Riparian |                     |
| 7103    | 23.02 | STATE OF NJ D EP         | 548 W SHORE DR    | 69.03 SQ FT             | Riparian |                     |
| 7103    | 24.01 | STATE OF NEW JERSEY D EP | 552 W SHORE DR    | 3593 SQ FT              | Riparian |                     |
| 7103    | 25.01 | STATE OF NEW JERSEY D EP | 554 W SHORE DR    | 3020 SQ FT              | Riparian |                     |
| 7103    | 26.02 | STATE OF NEW JERSEY D EP | 556 W SHORE DR    | 1635 SQ FT              | Riparian |                     |
| 7103    | 27.02 | STATE OF NEW JERSEY D EP | 558 W SHORE DR    | 1248 SQ FT              | Riparian |                     |
| 7103    | 28.01 | STATE OF NEW JERSEY D EP | 560 W SHORE DR    | 4115 SQ FT              | Riparian |                     |
| 7208    | 1.01  | STATE OF NEW JERSEY D EP | 600 W SHORE DR    | 1416 SQ FT              | Riparian |                     |
| 7208    | 5.01  | STATE OF NEW JERSEY D EP | 608 W SHORE DR    | 450 SQ FT               | Riparian |                     |
| 7208    | 7.01  | STATE OF NEW JERSEY D EP | 610 W SHORE DR    | 2940 SQ FT              | Riparian |                     |
| 7208    | 8.01  | STATE OF NEW JERSEY D EP | 612 W SHORE DR    | 2605 SQ FT              | Riparian |                     |
| 7304    | 1.01  | STATE OF NEW JERSEY D EP | 800 W SHORE DR    | 3217 SQ FT              | Riparian |                     |
| 7304    | 3.01  | STATE OF NEW JERSEY D EP | 806 W SHORE DR    | 2625 SQ FT              | Riparian |                     |
| 7304    | 4.01  | STATE OF NEW JERSEY D EP | 808 W SHORE DR    | 2805 SQ FT              | Riparian |                     |
| 7304    | 5.01  | STATE OF NEW JERSEY D EP | 810 W SHORE DR    | 2805 SQ FT              | Riparian |                     |
| 7304    | 6.01  | STATE OF NEW JERSEY D EP | 812 W SHORE DRIVE | 1908 SQ FT              | Riparian |                     |
| 7304    | 7.01  | STATE OF NEW JERSEY D EP | 814 W SHORE DR    | 2874 SQ FT              | Riparian |                     |
| 7304    | 8.01  | STATE OF NEW JERSEY D EP | 816 W SHORE DR    | 1326 SQ FT              | Riparian |                     |
| 7304    | 10.01 | STATE OF NJ D EP         | 820 W SHORE DR    | 1865 SQ FT              | Riparian |                     |
| 7304    | 11.01 | STATE OF NEW JERSEY D EP | 822 W SHORE DR    | 3100 SQ FT              | Riparian |                     |
| 7304    | 12.01 | STATE OF NEW JERSEY D EP | 824 W SHORE DR    | 1365 SQ FT              | Riparian |                     |
| 7304    | 14.02 | STATE OF NEW JERSEY D EP | 828 W SHORE DR    | 4082 SQ FT              | Riparian |                     |
| 7304    | 15.01 | STATE OF NEW JERSEY D EP | 830 W SHORE DR    | 2100 SQ FT              | Riparian |                     |

| BLOCK | LOT   | OWNER                   | PROPERTY LOCATION | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|-------|-------|-------------------------|-------------------|-------------------------|----------|---------------------|
| 7304  | 16.01 | STATE OF NJ DEP         | 832 W SHORE DR    | 1486.77 SQ FT           | Riparian |                     |
| 7304  | 19.01 | STATE OF NEW JERSEY DEP | 838 W SHORE DR    | 3120 SQ FT              | Riparian |                     |
| 7304  | 21.01 | STATE OF NEW JERSEY DEP | 842 W SHORE DR    | 2342 SQ FT              | Riparian |                     |
| 7304  | 22.01 | STATE OF NEW JERSEY DEP | 844 W SHORE DR    | 1550 SQ FT              | Riparian |                     |
| 7304  | 23.01 | STATE OF NEW JERSEY DEP | 846 W SHORE DRIVE | 1795 SQ FT              | Riparian |                     |
| 7304  | 25.01 | STATE OF NEW JERSEY DEP | 850 W SHORE DR    | 2670 SQ FT              | Riparian |                     |
| 7304  | 27.01 | STATE OF NEW JERSEY DEP | 855 W SHORE DR    | 2295 SQ FT              | Riparian |                     |
| 7304  | 28.01 | STATE OF NEW JERSEY DEP | 858 W SHORE DR    | 3172 SQ FT              | Riparian |                     |
| 7304  | 29.01 | STATE OF NEW JERSEY DEP | 860 W SHORE DR    | 2046 SQ FT              | Riparian |                     |
| 7304  | 30.03 | STATE OF NEW JERSEY DEP | 862 W SHORE DRIVE | 1658.09 SQ FT           | Riparian |                     |
| 7304  | 31.01 | STATE OF NEW JERSEY DEP | 866 W SHORE DR    | 700 SQ FT               | Riparian |                     |
| 7305  | 1.02  | STATE OF NEW JERSEY     | 732 W SHORE DR    | 1614.91 SQ FT           | Riparian |                     |
| 7305  | 2.01  | STATE OF NEW JERSEY DEP | 730 W SHORE DR    | 470 SQ FT               | Riparian |                     |
| 7305  | 3.01  | STATE OF NEW JERSEY DEP | 728 W SHORE DR    | 1298.93 SQ FT           | Riparian |                     |
| 7305  | 14.01 | STATE OF NEW JERSEY DEP | 702 W SHORE DR    | 476 SQ FT               | Riparian |                     |
| 7402  | 1.01  | STATE OF NEW JERSEY DEP | 900 N SHORE DR    | 2875 SQ FT              | Riparian |                     |
| 7402  | 2.02  | STATE OF NEW JERSEY DEP | 902 N SHORE DR    | 3564 SQ FT              | Riparian |                     |
| 7402  | 4.01  | STATE OF NEW JERSEY DEP | 906 N SHORE DR    | 3237 SQ FT              | Riparian |                     |
| 7402  | 5.01  | STATE OF NEW JERSEY DEP | 908 N SHORE DR    | 1415 SQ FT              | Riparian |                     |
| 7402  | 6.01  | STATE OF NEW JERSEY DEP | 910 N SHORE DR    | 3235 SQ FT              | Riparian |                     |
| 7402  | 7.03  | STATE OF NEW JERSEY DEP | 912 N SHORE DR    | 2714 SQ FT              | Riparian |                     |
| 7402  | 7.04  | STATE OF NEW JERSEY DEP | 914 N SHORE DR    | 1200 SQ FT              | Riparian |                     |
| 7402  | 9.01  | STATE OF NEW JERSEY DEP | 918 N SHORE DR    | 1768 SQ FT              | Riparian |                     |
| 7402  | 10.01 | STATE OF NEW JERSEY DEP | 920 N SHORE DR    | 2838 SQ FT              | Riparian |                     |
| 7402  | 11.02 | STATE OF NEW JERSEY DEP | 922 N SHORE DR    | 1030 SQ FT              | Riparian |                     |
| 7402  | 12.01 | STATE OF NEW JERSEY DEP | 924 N SHORE DR    | 1838 SQ FT              | Riparian |                     |
| 7402  | 13.01 | STATE OF NEW JERSEY DEP | 926 N SHORE DR    | 2061 SQ FT              | Riparian |                     |
| 7402  | 14.01 | STATE OF NEW JERSEY DEP | 928 N SHORE DR    | 2145 SQ FT              | Riparian |                     |
| 7402  | 15.01 | STATE OF NEW JERSEY DEP | 930 N SHORE DR    | 2500 SQ FT              | Riparian |                     |
| 7402  | 16.01 | STATE OF NEW JERSEY DEP | 932 N SHORE DR    | 2475 SQ FT              | Riparian |                     |
| 7402  | 17.01 | STATE OF NEW JERSEY DEP | 934 N SHORE DR    | 4184.50 SQ FT           | Riparian |                     |
| 7402  | 18.01 | STATE OF NEW JERSEY DEP | 936 N SHORE DR    | 3038 SQ FT              | Riparian |                     |
| 7402  | 1.01  | STATE OF NEW JERSEY DEP | 1000 N SHORE DR   | 2091 SQ FT              | Riparian |                     |
| 7402  | 2.01  | STATE OF NEW JERSEY DEP | 1002 N SHORE DR   | 3330 SQ FT              | Riparian |                     |
| 7402  | 4.01  | STATE OF NEW JERSEY DEP | 1006 N SHORE DR   | 3444 SQ FT              | Riparian |                     |
| 7402  | 6.01  | STATE OF NEW JERSEY DEP | 1010 N SHORE DR   | 2930 SQ FT              | Riparian |                     |
| 7402  | 7.01  | STATE OF NEW JERSEY DEP | 1012 N SHORE DR   | 2880 SQ FT              | Riparian |                     |
| 7402  | 9.02  | STATE OF NEW JERSEY DEP | 1016 N SHORE DR   | 1917.8 SQ FT            | Riparian |                     |
| 7402  | 10.01 | STATE OF NEW JERSEY DEP | 1018 N SHORE DR   | 1954 SQ FT              | Riparian |                     |
| 7402  | 11.01 | STATE OF NEW JERSEY DEP | 1020 N SHORE DR   | 1467 SQ FT              | Riparian |                     |
| 7402  | 12.01 | STATE OF NEW JERSEY DEP | 1022 N SHORE DR   | 2500 SQ FT              | Riparian |                     |
| 7402  | 13.01 | STATE OF NEW JERSEY DEP | 1024 N SHORE DR   | 1900 SQ FT              | Riparian |                     |
| 7402  | 14.02 | STATE OF NEW JERSEY DEP | 1026 N SHORE DR   | 1260 SQ FT              | Riparian |                     |
| 7402  | 15.01 | STATE OF NEW JERSEY DEP | 1028 N SHORE DR   | 1780 SQ FT              | Riparian |                     |
| 7402  | 17.01 | STATE OF NEW JERSEY DEP | 1032 N SHORE DR   | 2440 SQ FT              | Riparian |                     |
| 7402  | 18.01 | STATE OF NEW JERSEY DEP | 1034 N SHORE DR   | 1348 SQ FT              | Riparian |                     |
| 7402  | 19.01 | STATE OF NEW JERSEY DEP | 1036 N SHORE DR   | 1669 SQ FT              | Riparian |                     |
| 7402  | 20.01 | STATE OF NEW JERSEY DEP | 1038 N SHORE DR   | 625 SQ FT               | Riparian |                     |
| 7402  | 21.01 | STATE OF NEW JERSEY DEP | 1040 N SHORE DR   | 1987 SQ FT              | Riparian |                     |
| 7402  | 24.02 | STATE OF NEW JERSEY DEP | 1046 N SHORE DR   | 1750 SQ FT              | Riparian |                     |
| 7402  | 25.01 | STATE OF NEW JERSEY DEP | 1048 N SHORE DR   | 1139 SQ FT              | Riparian |                     |
| 7402  | 26.02 | STATE OF NEW JERSEY DEP | 1050 N SHORE DR   | 1751 SQ FT              | Riparian |                     |
| 8101  | 5.01  | STATE OF NEW JERSEY DEP | 1509 E SHORE DR   | 617.8 SQ FT             | Riparian |                     |
| 8101  | 6.01  | STATE OF NEW JERSEY DEP | 1507 E SHORE DR   | 2220 SQ FT              | Riparian |                     |
| 8101  | 7.01  | STATE OF NEW JERSEY DEP | 1505 E SHORE DR   | 3192 SQ FT              | Riparian |                     |

| BLOCK | LOT  | OWNER                     | PROPERTY LOCATION     | PROPERTY LAND DIMENSION | DETAILS  | LISTED ON 2016 VILA |
|-------|------|---------------------------|-----------------------|-------------------------|----------|---------------------|
| 8101  | 9.01 | STATE OF NEW JERSEY D E P | 1501 E SHORE DR       | 3050 SQ FT              | Riparian |                     |
| 8102  | 2.02 | STATE OF NJ D E P         | 4 GOLF COURSE DR      | 1673.45 SQ FT           | Riparian |                     |
| 8403  | 1    | STATE OF NEW JERSEY       | EAGLE BAY             | 141X141                 | Marsh    |                     |
| 8404  | 1    | STATE OF NEW JERSEY       | BOOT ISLAND           | 66.30 AC                | Marsh    | X                   |
| 8405  | 1    | STATE OF NEW JERSEY       | EAGLE BAY             | 10.5 ACRES              | Marsh    | X                   |
| 8406  | 1    | STATE OF NEW JERSEY       | EAGLE BAY             | 241.4 ACRES             | Marsh    | X                   |
| 8407  | 1    | STATE OF NEW JERSEY       | BONITA TIDEWAY        | 35.5 ACRES              | Marsh    | X                   |
| 8408  | 1    | STATE OF NEW JERSEY       | WADING THOROFARE      | 99.0 ACRES              | Marsh    | X                   |
| 8409  | 1    | STATE OF NEW JERSEY       | WADING THOROFARE      | 17.1 ACRES              | Marsh    | X                   |
| 8410  | 1    | STATE OF NEW JERSEY       | WADING THOROFARE      | 294.4 ACRES             | Marsh    | X                   |
| 8411  | 1    | STATE OF NEW JERSEY       | WADING THOROFARE      | 1.5 ACRES               | Marsh    | X                   |
| 8412  | 1    | STATE OF NEW JERSEY       | WADING THOROFARE      | 2.1 ACRES               | Marsh    | X                   |
| 8413  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 127.6 ACRES             | Marsh    | X                   |
| 8414  | 1    | STATE OF NEW JERSEY       | OBE'S THOROFARE       | 405.89 ACRES            | Marsh    | X                   |
| 8415  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 37.5 ACRES              | Marsh    | X                   |
| 8416  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 3.4 ACRES               | Marsh    | X                   |
| 8417  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 5.2 ACRES               | Marsh    | X                   |
| 8418  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 8.5 ACRES               | Marsh    | X                   |
| 8419  | 1    | STATE OF NEW JERSEY       | SOMERS BAY            | 3.5 ACRES               | Marsh    | X                   |
| 8420  | 1    | STATE OF NEW JERSEY       | OBE'S THOROFARE       | 12.3 ACRES              | Marsh    | X                   |
| 8421  | 1    | STATE OF NEW JERSEY       | STEELEMAN'S BAY       | 155 ACRES               | Marsh    | X                   |
| 8422  | 1    | STATE OF NEW JERSEY       | STEELEMAN'S BAY       | 4.2 ACRES               | Marsh    | X                   |
| 8423  | 1    | STATE OF NEW JERSEY       | STEELEMAN'S BAY       | 11.6 ACRES              | Marsh    | X                   |
| 8424  | 1    | STATE OF NEW JERSEY       | STEELEMAN'S BAY       | 7.9 ACRES               | Marsh    | X                   |
| 8425  | 1    | STATE OF NEW JERSEY       | STEELEMAN'S BAY       | 660.0 ACRES             | Marsh    | X                   |
| 8426  | 1    | STATE OF NEW JERSEY       | ST. GEORGES THOROFARE | 15.4 ACRES              | Marsh    | X                   |
| 8427  | 1    | STATE OF NEW JERSEY       | ST. GEORGES THOROFARE | 1.4 ACRES               | Marsh    | X                   |
| 8429  | 1    | STATE OF NEW JERSEY       | ST. GEORGES THOROFARE | 51 +/- ACRES            | Marsh    | X                   |

# APPENDIX H

## SECTION 1. REPEAL AND REPLACE CHAPTER 150, SECTIONS 150-1 THROUGH 150-10 “Development Fees” with the Following:

### Chapter 150. Development Fees

#### Section 150-1 Purpose

This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

#### Section 150-2 Basic Requirements

1. The definitions of Section 115-15.1.B shall apply.
2. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
3. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
4. The Definitions in Chapter 85-2 shall apply.

#### Section 150-3 Residential Development Fees

1. Imposed fees
  - a. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
  - b. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. Eligible exactions, ineligible exactions and exemptions for residential development

- a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
- b. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- c. Development fees shall not be imposed and collected when an existing structure undergoes a change to a more intense use.
- d. For the demolition of an existing residential structure with replacement of a new residential structure, the development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- e. Developments by the City or legally formed nonprofit are exempt from development fees.
- f. Owner-occupied residential structures demolished and replaced as a result of fire, flood, or natural disaster shall be exempt from paying a development fee.

#### **Section 150-4 Non-Residential Development Fees**

1. Imposition of fees
  - a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - b. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
2. Eligible exactions, ineligible exactions and exemptions for non-residential development

- a. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
  - b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption.” Any exemption claimed by a developer shall be substantiated by that developer.
  4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

### **Section 150-5 Collection Procedures**

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, “State of New Jersey Non-Residential Development Certification/Exemption,” to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
4. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

6. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
8. One hundred percent (100%) of the development fee shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

**Section 150-6 Appeal of development fees**

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**Section 150-7 Affordable Housing Trust Fund**

1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - a. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
  - b. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  - c. Rental income from municipally operated units;

- d. Repayments from affordable housing program loans;
  - e. Recapture funds;
  - f. Proceeds from the sale of affordable units; and
  - g. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
3. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
  4. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
    - a. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
    - b. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
    - c. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
    - d. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
    - e. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
    - f. Revocation of compliance certification or a judgment of compliance and repose;
    - g. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
    - h. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
  5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

**Section 150-8 Use of Funds**

1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing;

extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
  - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - b. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
4. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

#### **Section 150-9 Monitoring**

1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

#### **Section 150-10 Ongoing Collection of Fees**

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

**Section 150-11 Emergent Affordable Housing Opportunities.**

1. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

**SECTION 2. REPEAL AND REPLACE Chapter 85 Affordable Housing, Article I General Provisions, Sections 85-1 through 85-22 with the following:**

**Article I. Affordable Housing**

**Section 85-1 Introduction & Applicability**

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the City of Brigantine consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The City of Brigantine Land Use Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
  - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
  - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

### **Section 85-2 Definitions**

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the

units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result

of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

### **Section 85-3 Monitoring and Reporting Requirements**

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
  - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
  - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

- c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

**Section 85-4 New Construction**

A. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

- 1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
- 2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

| Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy | Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy |
|--|---|
| 25+1   | 10  |
| 50   | 50  |
| 75   | 75  |
| 90   | 100   |

- 3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
  - a. Design of 100 percent affordable developments:
    - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
    - ii. Each bedroom in each restricted unit must have at least one window.
    - iii. Restricted units must include adequate air conditioning and heating.
  - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
    - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development,

except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

- ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
  - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
  - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
  - vi. Each bedroom in each restricted unit must have at least one window.
  - vii. Restricted units must be of the same unit type as market-rate units within the same building.
  - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
  - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for

restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

- iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
  - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
  - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
  - vii. Each bedroom in each restricted unit must have at least one window; and
  - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
  - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
  - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up or down to the nearest whole number shall be very low- or low-income units. (The municipality has chosen to allow rounding.)
  - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
  - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that (The municipality has chosen to allow rounding for the bedroom distribution as indicated below):
    - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

- ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
  - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded up or down, of the total number of low- and moderate-income units.
  - iv. At least 30% of all low- and moderate-income units, rounded up or down, shall be two-bedroom units.
  - v. At least 20% of all low- and moderate-income units, rounded up or down, shall be three-bedroom units.
  - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
  - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
    - i. An adaptable toilet and bathing facility on the first floor;
    - ii. An adaptable kitchen on the first floor;
    - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
    - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

- v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
  - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
  - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

### **Section 85-5 Affordable Housing Programs**

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
  - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
  - b. Both ownership and rental units shall be eligible for rehabilitation funds.
  - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
  - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
  - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
  - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
    - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
    - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
    - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
    - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Market to Affordable program (per N.J.A.C. 5:97-6.9).
  - a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through

- a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
- b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
  - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
  - e. The units shall comply with UHAC with the following exceptions:
    - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
    - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
  - f. Affordability average (N.J.A.C. 5:80-26.4); however:
    - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
4. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
    - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
    - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
    - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
    - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.

- v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
  - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
5. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
  - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
  - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
  - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
  - e. Low- and moderate-income residents cannot be charged any upfront fees.
  - f. The units shall comply with UHAC with the following exceptions:
    - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
    - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
    - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
  - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
6. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
    - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
- iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- v. Occupancy shall not be restricted to youth under 18 years of age.
- vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
  - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
  - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
  - (a) An Affirmative Marketing Plan in accordance with D1 above; and
  - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.

**Section 85-6 Regional Income Limits.**

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

**Section 85-7 Maximum Initial Rents And Sales Prices.**

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments

to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;
  - c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

**Section 85-8 Affirmative Marketing.**

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 6 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
  - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
  - b. There shall be a regional preference for all households that live and/or work in Housing Region 6 comprising Atlantic, Cape May, Cumberland and Salem Counties.
  - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to

ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. The Township may add a list of community and regional organizations to receive notice of the availability of affordable housing units in addition to the following required entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Mainland/Pleasantville, Mizpah, Atlantic City, and Cape May County Branches of the NAACP, and the Supportive Housing Alliance. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

#### **Section 85-9 Selection of Occupants of Affordable Housing Units.**

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

#### **Section 85-10 Occupancy Standards.**

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

- a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
- b. Provide a bedroom for every two adult occupants;
- c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
- d. Avoid placing a one-person household into a unit with more than one bedroom.

**Section 85-11 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay,

upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

### **Section 85-12 Price Restrictions for Restricted Ownership Units and Resale Prices.**

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
  - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
  - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
    - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
    - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
  - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
    - i. those that render the unit suitable for a larger household or the addition of a bathroom.
    - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
  - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the

signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

### **Section 85-13 Buyer Income Eligibility.**

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as

applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
- b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
- c. The household is currently in substandard or overcrowded living conditions;
- d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

**Section 85-14 Limitations on Indebtedness Secured by Ownership Unit; Subordination.**

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

**Section 85-15 Control Periods for Restricted Rental Units.**

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit;
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
  - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

**Section 85-16 Rent Restrictions for Rental Units; Leases and Fees.**

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
  - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

**Section 85-17 Tenant Income Eligibility.**

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

**Section 85-18 Municipal Housing Liaison.**

1. The Municipal Housing Liaison shall be approved by municipal resolution.

2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
  - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - b. The oversight of the Affirmative Marketing Plan and affordability controls.
  - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
  - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
  - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
  - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
  - j. Listing on the municipal website contact information for the MHL and Administrative Agents.

#### **Section 85-19 Administrative Agent.**

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
  - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
  - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
  - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
  - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.

3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
  - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
  - b. Affirmative marketing:
    - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
    - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
  - c. Household certification.
    - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
    - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
    - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
    - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
    - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
  - d. Affordability controls.
    - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
    - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

- iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
- iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
  - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
  - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
  - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
  - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
  - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
  - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
  - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
  - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
  - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
  - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

**Section 85-20 Responsibilities of The Owner of a development containing affordable units.**

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
  - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - b. The total number of units in the project and the number of affordable units.
  - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
  - e. A projected construction schedule.
  - f. The location of any common areas and elevators.
  - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
  - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

- b. Provide to the administrative agent a description of any applicable fees.
  - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
  - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
  - e. Provide to the administrative agent a proposed form of lease for any rental units.
  - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.
  - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
  - b. Condominium or homeowner association fees and any other applicable fees.
  - c. Estimated real property taxes.
  - d. Sewer, water, trash disposal, and any other utility assessments.
  - e. Flood insurance requirement, if applicable.
  - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

### **Section 85-21 Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

- i. A fine of not more than \$1,000.00 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
  - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
  - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
  - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
  - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
  - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
  6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if

such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

### **Section 85-22 Appeals**

1. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

### **SECTION 3. AMEND Chapter 85, Article II, Section 85-24 Affordable Housing Overlay: B3 Town Center (AHO-B3) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

- A. Purpose. The purpose of the Affordable Housing Overlay B3 (AHO-B3) overlay zone is to create an incentive to redevelop property for inclusionary development. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). The affordable units will be for rent; the set-aside shall be ~~15%~~ **20%**.
- B. Designated overlay area. The AHO-B3 Zone will encompass a portion of the B3 (Business) Zone. This district will be the focus of an overlay zone with residential uses over existing commercial. This zone contains a shopping area (Town Center) that is located between Harbor Beach Boulevard, 38th Street, Bayshore Avenue and Amhurst Avenue (Block 3804, Lot 1). The overlay zone at this shopping center will provide for three residential floors above commercial. There will be a ~~fifteen-percent~~ **twenty-percent** set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B-1 Zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for affordable housing is implemented by the property owner(s) or developer.

### **SECTION 4. AMEND Chapter 85, Article II, Section 85-25 Affordable Housing Overlay: B1A Town Center (AHO-B1A) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

- A. Purpose. The purpose of the Affordable Housing Overlay B1A (AHO-B1A) overlay zone is to create an incentive to redevelop property for inclusionary development. The tract may be developed at a density of 20 units per acre. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). The affordable units will be for rent;

the set-aside shall be ~~15%~~ 20%.

- B. Designated overlay area. The AHO-B1A Zone will encompass a portion of the B1A (Business) Zone. This district will be the focus of an overlay zone with residential uses over existing commercial. This zone contains an existing commercial retail store (former CVS Store) that is located along Brigantine Avenue and is listed on the Tax Map as Block 806, Lot 1. The overlay zone at this location will provide for up to three residential floors. There will be a ~~fifteen-percent~~ twenty-percent set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B1A Zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for affordable housing is implemented by the property owner(s) or developer.

**SECTION 5. AMEND Chapter 85, Article II, Section 85-26 Affordable Housing Overlay: B1 (AHO-B1) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

- A. Purpose. The purpose of the Affordable Housing Overlay B1 (AHO-B1) overlay zone is to create an incentive to redevelop property for inclusionary development. The tract may be developed at a density of 20 units per acre. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). The affordable units will be for rent; the set-aside shall be ~~15%~~ 20%.
- B. Designated overlay area. The AHO-B1 Zone will encompass a portion of the B1 (Business) Zone. This district will be the focus of an overlay zone with residential uses over existing commercial. This zone contains an existing commercial retail and service uses that are located along Atlantic-Brigantine Boulevard and is listed on the Tax Map as Block 3701, Lots 1-9 and Block 3702, Lots 1-9. The overlay zone at this location will provide for up to three residential floors above the existing or new commercial uses. There will be a ~~fifteen-percent~~ twenty-percent set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B1 Zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for affordable housing is implemented by the property owner(s) or developer.

**SECTION 6. AMEND Chapter 198, Article VI, Section 198-54 Affordable Housing Overlay: B3 Town Center (AHO-B3) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

- A. Purpose.
- (1) The purpose of the Affordable Housing Overlay B3 (AHO-B3) overlay zone is to create an incentive to redevelop property for inclusionary development. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). The affordable

units will be for rent; the set-aside shall be ~~15%~~ 20%.

B. Designated overlay area.

- (1) The AHO-B3 Zone will encompass a portion of the B3 (Business) Zone. This District will be the focus of an overlay zone with residential uses over existing commercial. This zone contains a shopping area (Town Center) that is located between Harbor Beach Boulevard, 38th Street, Bayshore and Amhurst Avenue (Block 3804, Lot 1). The overlay zone at this shopping center will provide for three residential floors above commercial. There will be a ~~15%~~ 20% set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B-1 zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for Affordable Housing is implemented by the property owner(s) or developer.

**SECTION 7. AMEND Chapter 198, Article VI, Section 198-51.3 Affordable Housing Overlay: B1A Town Center (AHO-B1A) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

A. Purpose.

- (1) The purpose of the Affordable Housing Overlay B1A (AHO-B1A) overlay zone is to create an incentive to redevelop property for inclusionary development. The tract may be developed at a density of 20 units per acre. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). ~~If the affordable units are for sale, the set-aside shall be 20%. If the affordable units are for rent, the set-aside shall be 15%.~~ **The affordable units will be for rent; the set-aside shall be 20%.**

B. Designated overlay area.

- (1) The AHO-B1A Zone will encompass a portion of the B1A (Business) Zone. This District will be the focus of an overlay zone with residential uses over existing commercial. This zone contains an existing commercial retail store (former CVS Store) that is located along Brigantine Avenue and is listed on the Tax Map as Block 806, Lot 1. The overlay zone at this location will provide for up to three residential floors with the potential of parking underneath the structure. There will be a ~~15%~~ 20% set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B1A Zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for Affordable Housing is implemented by the property owner(s) or developer.

**SECTION 8. AMEND Chapter 85, Article II, Section 85-26 Affordable Housing Overlay: B1 (AHO-B1) Zone, Subsections A and B as follows (underline and bold new and strikethrough and bold delete):**

A. Purpose.

- (1) The purpose of the Affordable Housing Overlay B1 (AHO-B1) overlay zone is to create an incentive to redevelop property for inclusionary development. The tract may be developed at a density of 20 units per acre. The density is predicated on a set-aside for affordable housing (low- and moderate-income housing). ). ~~If the affordable units are for sale, the set-aside shall be 20%. If the affordable units are for rent, the set-aside shall be 15%.~~ **The affordable units will be for rent; the set-aside shall be 20%.**

B. Designated overlay area.

- (1) The AHO-B1 Zone will encompass a portion of the B1 (Business) Zone. This District will be the focus of an overlay zone with residential uses over existing commercial. This zone contains an existing commercial retail and service uses that is located along Atlantic-Brigantine Boulevard and is listed on the Tax Map as Block 3701, Lots 1-9 and Block 3702, Lots 1-9. The overlay zone at this location will provide for up to three residential floors above the existing or new commercial uses. There will be a ~~15%~~ **20%** set-aside for affordable family rental units with 13% of the affordable units for very-low-income households. The underlying B1 Zone, its permitted uses, area and bulk requirements shall remain unchanged unless the overlay district option for Affordable Housing is implemented by the property owner(s) or developer.