

**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 -----
Endorsed by the Governing Body on ----- by Resolution -----

June 18, 2025

City of Brigantine Beach
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Atlantic County**

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
INTRODUCTION	4
AFFORDABLE HOUSING HISTORY IN NEW JERSEY	6
HOUSING ELEMENT	11
Demographic Analysis	12
Housing Analysis	19
Employment Analysis	23
Affordable Housing Obligation	27
Present Need / Rehabilitation Component	28
Prior Round Component	28
Round Three Component	28
Round Four Component	29
Vacant Land Adjustment	29
Land Use Analysis	31
Multigenerational Family Housing Analysis	32
Regional Planning Analysis	32
FAIR SHARE PLAN	34
Affordability Requirements	34
Affordable Housing Plan	35
Rehabilitation Obligation/Present Need:	35
Prior Round:	36
Third Round:	37
Fourth Round Prospective Need:	40
Unfulfilled Prior Round (1987 through 2025)	42
Phasing Plan for Affordable Housing Units	46
Bonus Provisions	46
Affordable Housing Trust Fund	46
Cost Generation	47
Monitoring	47
Fair Share Ordinance and Affirmative Marketing	47
Conclusion	49
<i>APPENDIX A – Municipal Resolution</i>	
<i>APPENDIX B - Order Fixing Municipal Obligation for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle</i>	
<i>APPENDIX C – 2016 VLA List</i>	
<i>APPENDIX D - Brigantine Market To Affordable Units Completed</i>	
<i>APPENDIX E(1) – VOADV Extension Request</i>	
<i>APPENDIX E(2) – VOADV Proposed Amended Agreement</i>	

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.¹ Therefore, the City is providing for a reduction of their Third-Round obligation from 511 to 203 units which results in an RDP of 0, as approved by the Courts with no change, and a new reduced unmet need of 203.

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 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.

¹ 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.

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 obligations². 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.

² 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.

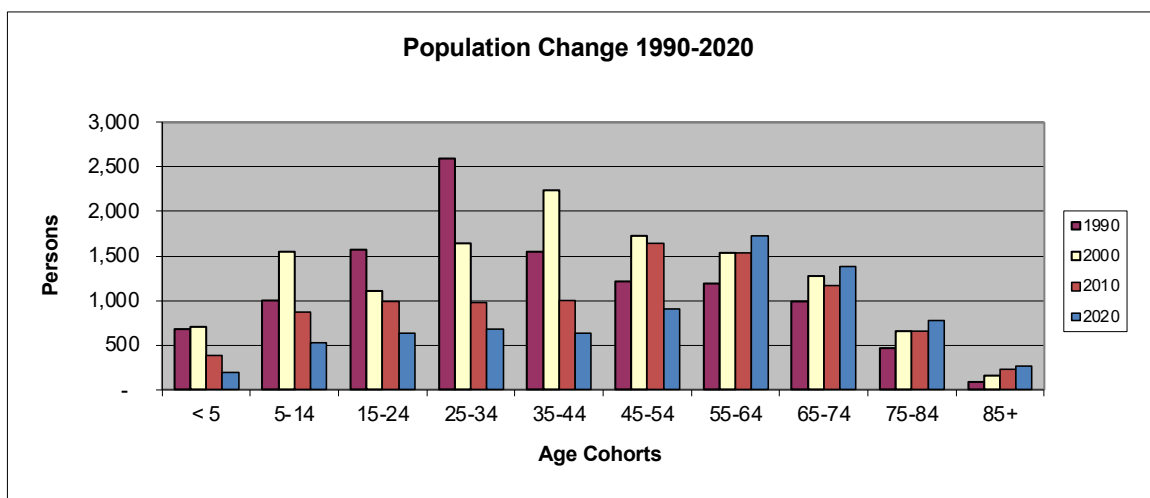
NJ Building Permit Data: NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

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%
18+	9,387	9,973	7,847	6,814	6.2%	-21.3%	-13.2%	-31.7%
62+	1,947	2,525	2,551	2,942	29.7%	1.0%	15.3%	16.5%
65+	1,553	2,090	2,056	2,410	34.6%	-1.6%	17.2%	15.3%
Median Age	34.2	40.7	48.4	56.8	19.0%	18.9%	17.4%	39.6%

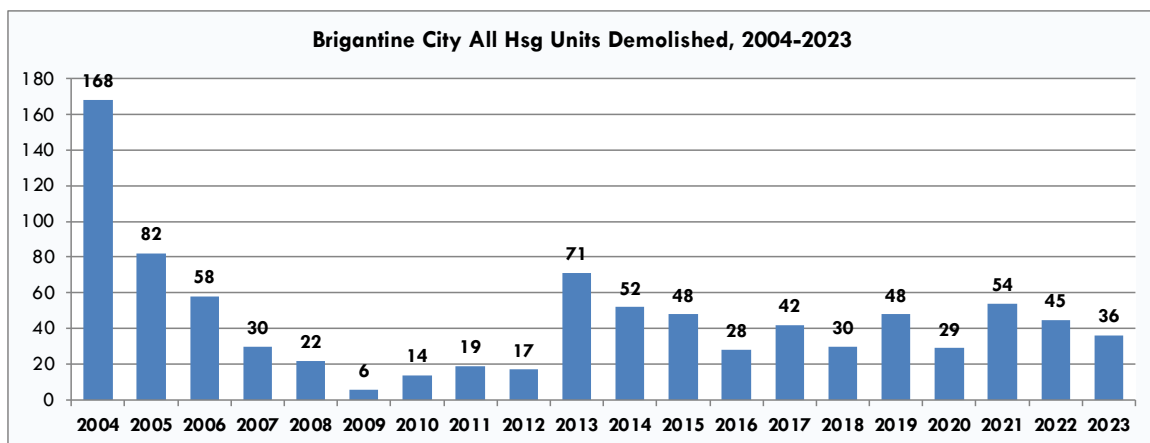
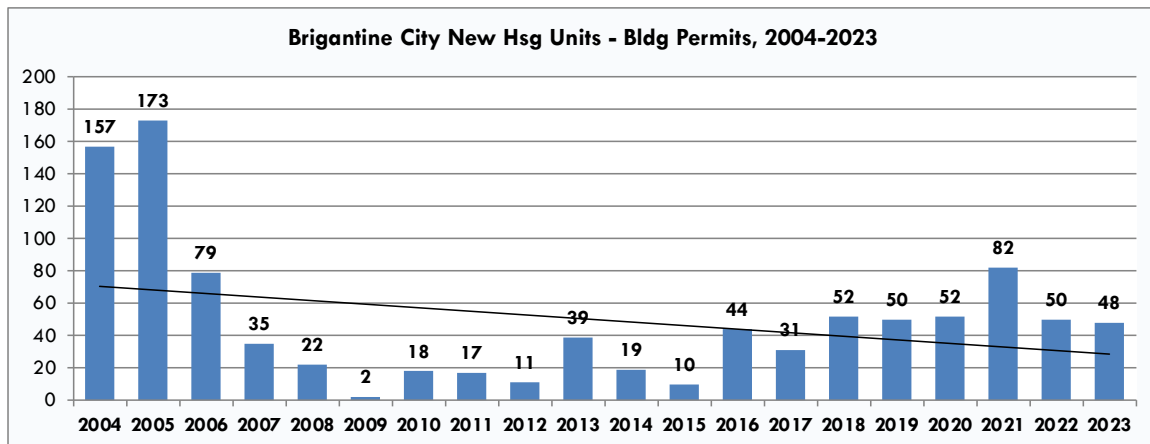
Unlike the decrease of population, the total housing units in the City have remained generally steady, with only a 5.8% increase from 1990 to 2000 and then only ten new units between 2000 and 2020. The ACS 5 year estimates show an increase of 46 new units since 2020, reporting an estimated 9,340 units. 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.

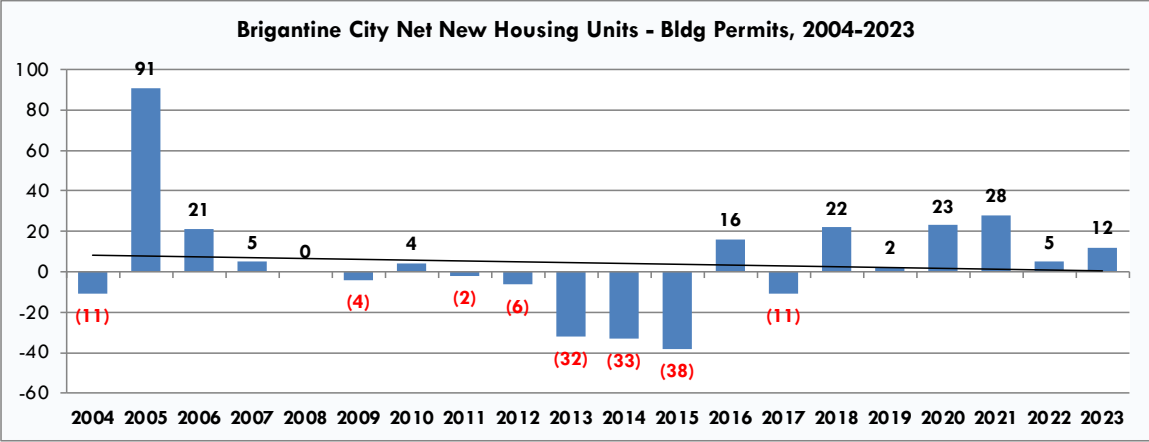
Housing Trends/Total Housing Units			
	City of Brigantine	Atlantic County	New Jersey
1990	8,796	106,877	3,075,310
2000	9,304	114,090	3,310,275
2010	9,222	126,647	3,553,562
2020	9,294	132,038	3,761,229
1990 to 2000	5.8%	6.7%	7.6%
2000 to 2010	-0.9%	11.0%	7.3%
2010 to 2020	0.8%	4.3%	5.8%
1990 to 2020	5.7%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

Brigantine Housing Trends			
	Total Housing Units	Occupied Housing Units	Vacant Housing Units
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	%
Total	7,716	100%	274,534	100%	9,288,994	100%
Sex						
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%
Race						
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%
Age						
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.

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

Summary of Household Characteristics - Brigantine		
	No. of Persons	% of Total
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%
Total Households	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		

Selected Housing or Housing Related Characteristics (Occupied Units)					
	Median Value Housing (owner-occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
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.

Housing Units by Number of Units in Structure		
Number of Units	Units	Percent of Total
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%
Total	9,340	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
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%
Total	9,340	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
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%
Total	9,340	100.0%
Median Rooms	5.5	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
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%
Total	9,340	100.0%
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.

Housing Value, Owner-Occupied Units		
Value	Housing Units	Percent of Total Housing Units
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%
Total	2,958	100.0%
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.

Income Levels			
	Brigantine		
	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			

Percent Distribution Persons and Families below Poverty Level				
	Population Below Poverty Level			Families Below Poverty Line
	All Persons	% of All Persons 18+ Years of Age	% of All Persons 65 + Years of Age	
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.

Household Income (2023 Inflation Adjusted Dollars)		
	Brigantine Households	(% of Total Households)
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		

2024 Affordable Housing Region 6 Income Limits					
	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
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.

EMPLOYMENT STATUS		
	Total	Percent of Population 16 Years and Over
Population 16 years and Over	7,019	100%
In Labor Force	4,169	59.40%
Civilian Labor Force	4,110	58.56%
Employed	3,877	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		

Employment by Industry, Civilian Employed population 16 years and over		
Occupation	No. Persons	%
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%
Total	3,877	100%
Source: ACS 2023 5-year estimates		

Employment by Occupation Civilian Employed population 16 years and over		
Occupation	No. Persons	%
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%
Total	3,877	100%
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) ³	511
Round 4 (DCA Calculations 2025-2035)	19
Total Obligation (New Units)	654

³ 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 Report⁴, 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).

⁴ 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 2018 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 2018 VLA. There were 25 newly vacant 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 N 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 N 9TH STREET SO	0.09
1404	10	17TH STREET SOUTH	0.09
1405	6.03	410 N 18TH 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. 5:80-26.3(d) and (e), which were amended by “emergency” in December 2024, the maximum rent for a qualified unit 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 City⁵. 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:

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

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

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. The City is amending their Third-Round obligation to reflect the Jacobson Court calculations. The City will continue to maintain all the court-approved mechanisms as provided for in the settlement agreement and court-approved plan in accordance with the above requirements. ***The adjustment to the Third-Round obligation does not change the City's RDP of 0 but reduces the unmet need from 511 to 203.***

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:

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

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.

The City will continue to address their Unmet Need as provided for in their Court-approved Third-Round FSP but also proposes to include excess age-restricted units which have been completed along the White Horse Pike. The following table provides for the mechanisms to satisfy the City's Unmet Need:

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 credits** as the Borough's Fourth-Round RDP is 0. 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 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**⁶. 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

⁶ 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.

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.

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

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.

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. 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.

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.

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. 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.

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 units⁷. 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 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.

⁷ 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.

Phasing Plan for Affordable Housing Units⁸

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:

Program	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
VOADV		5								
Total		5	0	0	0	0	0	0	0	0

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.

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

⁸ Phasing is estimated and may not reflect changes to market conditions which will impact the proposed developments.

activities on August 15, 2018, under Ordinance 15-2018. 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 AHTFund 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.

5:80-26⁹. 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

⁹ At this time the State is in the process of amending the UHAC regulations and adopting new affordable housing regulations under proposed N.J.A.C. 5:99 which will potentially require amendments to the Municipal Housing Ordinances and Marketing Plan. At such time that these regulations become effective the ordinances will be amended as required by law.

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.

Due to the HMFA's impending release of proposed amendments to UHAC in June or July 2025, the City's Affordable Housing Ordinance will be amended and filed with the Program for review and approval once those regulations are adopted. If any changes to the City's Court-approved affirmative marketing plan, as amended to include new projects set forth in this FSP, are required, the City shall amend the affirmative marketing plan to include any changes, if any are required, once the new UHAC regulations are adopted.

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 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.

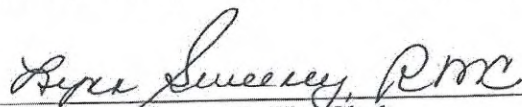
NOW, THEREFORE, BE IT RESOLVED on this day of January 15, 2025, by the Council of the City of Brigantine in the County of Atlantic, and the State of New Jersey that, pursuant to *P.L.2024, c.2*:

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)*,¹ 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”);

¹ See 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;

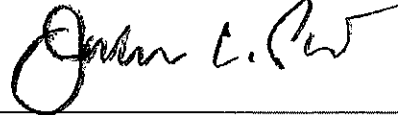
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested,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

IT IS, THEREFORE, on this 27th 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", is written over a horizontal line.

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

(X) 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	191000	0	191000 DEDICATED OPEN SPACE	0
5401	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	B1-A		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	2416900 PARK	0
2507	1	ATL-BRIGANTINE BLVD	15C	1RR	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	23	3605 BAYSHORE AVE	15C	285X170.351	B1	31	467100	1037400	1504500 UTILITY BUILDING	0
3104	5	3625 ATL-BRIGANTINE BLVD	15C	210X125 5,7,8,9	R8	31	918000	488700	1406700 HISTORIC MUSEUM	0
3303	1	3400 OCEAN AVE	15C	200.16X172.5 lf	C1	33	1606900	38700	1645600 PARKING	0
3402	22	ATL-BRIGANTINE BLVD	15C	45500 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	1180500 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	260200	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	B3		686000	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	100 BAYSHORE AVE	15C	281.39X100	R2	66	226000	24900	250900 PUMPING STATION	0
8102	00001	26 GOLF COURSE DR	15C	609.59X260.54	C2	81	1077100	0	1077100 DEDICATED OPEN SPACE	0
8404	1	BOOT ISLAND	15C	66.30 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	OBE'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	OBE'S THOROFARE	15C	12.3ACRES	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	11.4 ACRES	C1	2100	0	2100 MARSH	0	
8429	1	ST. GEORGES THOROFARE	15C	51+/- ACRES	C1	76500	0	76500 MARSH	0	
8501	1	1 GOLF COURSE DR	15C	185AC	5901,20;60 R2/C	85	4625000	1754500	6379500 GOLF COURSE DEED RESTRICTED	0
801	4	301 8TH STREET SO	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.

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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 31st 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