

EXHIBIT B

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Borough of Allenhurst
Monmouth County, New Jersey

May 29, 2025

Adopted by the Planning Board on June 11, 2025

Prepared By:



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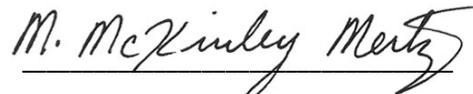
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EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Borough of Allenhurst in the County of Monmouth in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

Allenhurst is an 0.3 square mile community located in Monmouth County, New Jersey, along the Jersey Shore. Allenhurst is bordered by the Atlantic Ocean to the east and shares municipal boundaries with the Village of Loch Arbour to the south, Ocean Township to the west, and the Borough of Deal to the north. Deal Lake runs along the western boundary of the Borough. New Jersey Route 35 and the NJ Transit North Jersey Coast Line provide easy access to the area. The Borough can be characterized as a suburban community and, according to the State Development and Redevelopment Plan (SDRP), is located entirely in Metropolitan Planning Area (PA1).

According to the 2020 Census, the Borough of Allenhurst's population was 472, which represents a decrease of 4.8% from 2010. In 2020, the Borough's median age was 53.3 years, representing a 12.9% increase from the median age of 47.2 years in 2010. The Borough's average household size in 2023 was 2.55 persons, which was slightly higher than the average at the County level (2.3 persons).

The housing stock of the Borough is predominantly single-family detached dwelling units. The majority of the housing stock was built prior to 1940, with much of the Borough's historic district having been constructed between 1890 and 1920. According to the guidelines originally established by COAH, the Borough is located in Housing Region 4, a region that consists of Monmouth, Mercer, and Ocean counties. Based on the 2025 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on May 5, 2025), the median income in Region 4 for a four-person household is \$134,600, the moderate-income is \$107,680, the low-income is \$67,300, and the very-low-income level is \$40,380.

Affordable housing obligations in New Jersey are divided into "housing rounds," as will be discussed in detail later in this Plan. Each municipality in New Jersey has a constitutional obligation to provide their fair share of the calculated regional need for affordable housing within the respective housing round. These obligations to construct new affordable housing are known as the "Prospective Need" obligation. Municipalities also have an obligation to rehabilitate units that are deemed substandard, pursuant to the criteria of the Fair Housing Act. This obligation is known as the Present Need, or Rehabilitation Share. The housings rounds are as follows: Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).

The Borough of Allenhurst did not participate in the Prior Round, however they did participate in the Third Round. In the Third Round, the Borough entered into a Settlement Agreement with Fair Share Housing Center to establish the Borough's Third Round affordable housing obligation. The subsequent compliance

efforts were approved by the Court in a Judgement of Compliance and Repose, dated May 13, 2024, confirming the Borough satisfied its Third Round obligations.

The Borough was able to fully meet its Prior Round and Third Round obligations through credit-worthy units that are existing, under construction, or proposed as well as rental bonus credits.

The Borough has a Fourth Round obligation as follows:

Rehabilitation Share: 4

Prospective Need: 25

As the Borough did previously, it will seek an adjustment of its prospective need obligation based on a shortage of vacant and developable land. Since the Borough identified the existing developable property in the Third Round, there are no additional sites that generate realistic development potential (RDP.) The Borough is relying on recently adopted overlay zoning mechanisms to address the obligations from the Prior and Third Rounds while also providing potential units that can address a portion of the Fourth Round unmet need.

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to create a realistic opportunity for their fair share of low- and moderate-income housing.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court responded to the response of municipalities to Mount Laurel II. The builder's remedy created a mechanism for developers to sue non-compliant municipalities and force them to comply. Mount Laurel II also created the Judgment of Repose to incentivize municipalities to comply. A Judgment of Repose protected municipalities from potential lawsuits and those who would claim entitlement to a builder's remedy or other relief based upon the claim that the municipality was noncompliant.

In the wake of Mount Laurel II, developers sued municipalities seeking builder's remedies. The wave of builder's remedy lawsuits created the impetus for legislation to protect municipalities from builder's remedies. A decision by Judge Serpentelli, one of three judges appointed by Chief Justice Wilentz to implement Mount Laurel II, increased the need for a legislative cure. More specifically, in 1984, Judge Serpentelli issued the "AMG decision" (AMG Realty Co. v. Warren Twp), which established a formula for any developer to determine the fair share obligation of any municipality.

The pressure of builder's remedy suits, combined with the ease in determining the fair share of any municipality through the AMG formula, culminated in the enactment of the New Jersey Fair Housing Act in 1985. The Fair Housing Act (FHA) is found at N.J.S.A. 52:270-301, et seq. The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

FIRST AND SECOND ROUNDS

The First and Second Rounds under COAH are collectively referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 *et seq.*). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 *et seq.*) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This second round of obligations is known as the Second Round. When COAH adopted regulations for Round 2, it made the Round 1 and 2 obligations cumulative for both periods.

THIRD ROUND

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 the Legislature extended the rounds to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C. 5:94-1 and 95-1 *et seq.*). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development, and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations. The revised

Third Round rules, like the initial Third Round, rules established the obligations based on a growth share approach.

On October 8, 2010, in response to numerous legal challenges to the second iteration of COAH's Third Round regulations, the Appellate Divisions ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds. COAH proposed Third Round regulations a third time in 2014 using a formula similar to the ones it had used in the first and second rounds. However, when COAH met to consider adopting these rules on October 20, 2014, it deadlocked.

On March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein it responded to COAH's failure to adopt defensible rules for Round 3. This decision changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing. The Supreme Court held that since COAH was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose ("JOR") from a Court, which was the "judicial equivalent" of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that need having accrued during the Gap Period (1999-2015) was part of the Present Need, not Prospective Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional present need.

As the methodology and obligations from the Gap and Prospective Need had not been fully adjudicated at that time, various trial judges issued opinions on the appropriate methodology and 354 municipalities reportedly settled with Fair Share Housing Center wherein they negotiated the obligations for Round 3.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round and Gap Period (1999-2015). Municipalities that received their Final Judgment of Compliance and Repose were guaranteed immunity from builders' remedy lawsuits through the end of the Third Round, June 30, 2025.

FOURTH ROUND

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March

20, 2024, establishing a new methodology for determining municipalities' affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally abolished COAH while transferring its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). As a result, the legislation codified the method for calculating regional and municipal affordable housing needs and returned most of the process from the Courts to state administrative departments.

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehab obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA. Accordingly, on October 18, 2024 the DCA released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The amended FHA gave municipalities until January 31, 2025, to review the obligation reported by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. If any municipality wished to commit to an obligation different from the one reported by the DCA, the amended FHA required the municipality to adopt a resolution by January 31, 2025, committing to the number that it contended was the appropriate obligation. If a municipality wished to commit to the numbers that the DCA reported, the amended FHA required the municipality to adopt a resolution committing to the DCA numbers.

The amended FHA required any municipality that wished to participate in the new process that the Act created to file a declaratory relief action within 48 hours of adopting the resolution committing to the numbers the municipality deemed appropriate.

The amended FHA gave any interested party who wished to oppose the numbers to which any municipality committed to file an Answer by February 28, 2025 which included a particularized objection to the numbers to which the municipality committed.

The amended FHA gave "the program" until March 31, 2025, to try to resolve any disputes over the fair share numbers to which a municipality committed through an "Affordable Housing Dispute Resolution Program." The program is a new entity created by the amended FHA. It is staffed with seven current or retired judges and the judges have the authority to use adjudicators to assist it in mediating disputes over the obligations of municipalities.

The amended FHA gives municipalities until June 30, 2025, to file a Housing Element and Fair Share Plan and related documents showing how the municipality will comply with its obligations. The Fourth Round

Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HEFSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP) (a new draft SDRP was released in late 2024 and has yet to be adopted) and the Highlands Regional Master Plan for conforming municipalities. As part of the HEFSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

BOROUGH OF ALLENHURST'S HISTORY OF AFFORDABLE HOUSING

While the Borough of Allenhurst did not participate in COAH's Prior Round, the Borough attempted to participate in the Third Round Certification process, drafting a Third Round Housing Element and Fair Share Plan in July 2009, however, the plan was not adopted, nor did it receive Third Round Certification as the Third Round Rules were invalidated by the Court.

On July 22, 2021, Power Station, LLC (developer) filed a Mount Laurel exclusionary zoning suit with the Superior Court of New Jersey entitled, "Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board". The suit sought to compel the Borough to provide a realistic opportunity for the construction of affordable housing and to meet the Borough's fair share of the housing regions' need for affordable housing.

On March 31, 2023, the Allenhurst Taxpayers' Association (ATA) filed a suit objecting to the Power Station Agreement on various grounds. FSHC was permitted to intervene in that ATA matter. The case was dismissed on November 17, 2023, and on December 29, 2023, the ATA appealed the Court's dismissal. There were several rounds of mediation, court appearances, and refile of new and amended lawsuits. On April 18, 2024, the ATA's filed a lawsuit, reiterating the allegations in the ATA's previous March 22, 2024 complaint that challenged the Borough Planning Board's consistency review of the 2023 Redevelopment Plan. On April 18, 2024, the Court entered an order granting in part Power Station's motion for frivolous litigation sanctions against the ATA in the 2023 litigation, and a separate order denying ATA's cross-motion for sanctions against Power Station.

Through mediation and extensive negotiations, the Borough reached separate Settlement Agreements with Power Station and FSHC. The Borough's agreement with Power Station requires an inclusionary development on Power Station's and Borough property. The Power Station Agreement was executed by Mayor David J. McLaughlin for the Borough and the Board of Commissioners on February 21, 2023; by Board Chairman Joseph Tomaino for the Borough Planning Board on February 22, 2023; and by Member Michael Abboud for Power Station at Allenhurst, LLC on February 28, 2023.

The Borough's settlement agreement with FSHC, dated May 10, 2023, determined the Borough's fair share obligation and set forth compliance mechanisms for the Borough to address its obligation.

The Borough's new Third Round Housing Element and Fair Share Plan was adopted on September 1, 2023, following an Order of Fairness and Preliminary Compliance dated July 31, 2023 (see Appendix A.) Since that time, the Borough has been working through the compliance requirements and has submitted documents to the Special Adjudicator that it believes satisfy the outstanding conditions.

As New Jersey enters the Fourth Round of affordable housing, Allenhurst Borough continues to take steps to satisfy its affordable housing obligation. On January 14, 2025, in accordance with the requirements established by the amended FHA and described above, the Borough adopted Resolution #2025-42. This resolution established a 25-unit Fourth Round Prospective Need obligation for the Borough. The adoption of Resolution #2025-42 guaranteed protection from builders' remedy suits through June 30, 2025. Subsequently, in accordance with the standards established by the amended FHA and described above, the Borough filed a Complaint (Docket No. MON-L-000178-25) seeking the entry of a declaratory judgment (Appendix B.) On April 1, 2025, the Program entered an order affirming the Borough's Fourth Round obligation (Appendix C.)

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- a. 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;
- b. 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 of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;

-
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
 - f. A consideration of the lands that are 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;
 - g. 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, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
 - h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
 - i. 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.

PART 1: HOUSING ELEMENT

DEMOGRAPHIC CHARACTERISTICS

Population

Table 1 below depicts the population trends experienced in the Borough of Allenhurst, Monmouth County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 387 residents in the Borough of Allenhurst, which indicates a decrease of 85 people (-18.0%) from 2020. The Borough of Allenhurst has experienced fluctuations in population size over the past 93 years, with the most significant decline occurring between 2000 and 2010, when there was a 222 person decrease (-30.9%). The largest increase in population occurred between 1960 and 1970, when there was a 217 person increase (27.3%). However, overall, the Borough has experienced significant population decline. The population trend over the last 50 years reflects the shift in the Borough’s housing stock to vacation and second homes with a smaller year-round population.

County-wide trends largely do not match those of the Borough, while the County did see a large increase also seen between 1950 and 1960, the County displayed an overall trend of population growth, as did the State. The Borough’s overall decline (-32.5%) is substantially different from the growth of the County (41.9%) and State (129.2%).

Table 1: Population Trends, 1930-2023									
Borough of Allenhurst, Monmouth County, and New Jersey									
Year	Borough of Allenhurst			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	573	-	-	147,209	-	-	4,041,334	-	-
1940	520	-53	-9.2%	161,238	862	0.6%	4,160,165	118,831	2.9%
1950	758	238	45.8%	225,327	4,193	2.6%	4,835,329	675,164	16.2%
1960	795	37	4.9%	334,401	8,846	3.9%	6,066,782	1,231,453	25.5%
1970	1,012	217	27.3%	461,849	10,740	3.2%	7,171,112	1,104,330	18.2%
1980	912	-100	-9.9%	503,173	10,469	2.3%	7,365,011	193,899	2.7%
1990	759	-153	-16.8%	553,124	7,178	1.4%	7,730,188	365,177	5.0%
2000	718	-41	-5.4%	615,301	10,830	2.0%	8,414,350	684,162	8.9%
2010	496	-222	-30.9%	630,380	6,255	1.0%	8,791,894	377,544	4.5%
2020	472	-24	-4.8%	643,615	940	0.1%	9,288,994	497,100	5.7%
2023	387	-85	-18.0%	643,615	1,294	0.2%	9,261,699	-27,295	-0.3%
Total Change	-	-186	-32.5%	-	61,607	41.9%	-	5,220,365	129.2%

Source: 1930-2020 U.S. Decennial Census; 2019-2023 American Community Survey 5-Year Estimates

Population Composition by Age

The median age of the residents in the Borough of Allenhurst in 2020 was 53.3, which shows a 12.9% increase from the 2010 median age of 47.2 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impacts these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of Allenhurst experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 55 and over, which collectively saw a 43-person increase (24.2%). Simultaneously, the Borough experienced a significant decrease in its population between the ages 35 to 54 (-36.4%). This data suggests that a larger portion of the Borough's residents are transitioning into the senior citizen age range, which will require the Borough to consider planning tools and approaches that encourage aging-in-place.

Table 2: Population by Age, 2010 to 2020 Borough of Allenhurst						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	17	3.4%	24	5.1%	7	41.2%
5 to 14	48	9.7%	27	5.7%	-21	-43.8%
15 to 24	53	10.7%	52	11.0%	-1	-1.9%
25 to 34	57	11.5%	59	12.5%	2	3.5%
35 to 44	59	11.9%	44	9.3%	-15	-25.4%
45 to 54	81	16.3%	45	9.5%	-36	-44.4%
55 to 64	80	16.1%	88	18.6%	8	10.0%
65 and over	98	19.8%	133	28.2%	35	35.7%
Total population	496	100.00%	472	100.00%	-24	-4.8%
Median Age	47.2		53.3		6.1	12.9%

Source: U.S. Decennial Census, 2010 and 2020

Monmouth County experienced population fluctuation as well. The County also saw the greatest shift of roughly 31% in its population aged 55 and over, which was proportionally slightly higher than the increase experienced at the Borough level. The County experienced rather significant decreases in its population aged 35 to 54 (-16.5%), directly mirroring shifting age trends occurring in the Borough. This data is displayed in Table 3 below.

Table 3: Population by Age, 2010 to 2020 Monmouth County						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	34,755	5.5%	29,562	4.6%	-5,193	-14.9%
5 to 14	86,679	13.8%	75,723	11.8%	-10,956	-12.6%
15 to 24	78,229	12.4%	79,817	12.4%	1,588	2.0%
25 to 34	64,860	10.3%	72,466	11.3%	7,606	11.7%
35 to 44	86,499	13.7%	75,549	11.7%	-10,950	-12.7%
45 to 54	110,979	17.6%	89,310	13.9%	-21,669	-19.5%
55 to 64	81,688	13.0%	101,356	15.7%	19,668	24.1%
65 and over	86,691	13.8%	118,832	18.5%	32,141	37.1%
Total population	630,380	100.0%	643,615	100.0%	13,235	2.1%
Median Age	41.3		43.2		2.2	5.3%

Source: U.S. Decennial Census, 2010 and 2020

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there were a total of 276 households in the Borough of Allenhurst. Over half of the Borough’s households comprised two or fewer people. In fact, Two-person households were the most common household size at both the Borough (24.3%) and County (31.1%) levels, followed by one-person households. The average household size of the Borough in 2020 was 2.55, which was slightly higher than that of the County’s average of 2.3.

Table 4: Household Size of Occupied Housing Units, 2020 Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number	Percent	Number	Percent
1-person household	70	25.4%	63,104	25.8%
2-person household	67	24.3%	76,177	31.1%
3-person household	29	10.5%	40,092	16.4%
4-person household	17	6.2%	39,421	16.1%
5-person household	9	3.3%	17,126	7.0%
6-person household	8	2.9%	5,795	2.4%
7-or-more-person household	1	0.4%	2,915	1.2%
Total Households	276	100.0%	244,630	100.0%
Average Household Size (2023)	2.55		2.3	

Source: US Decennial Census, 2020

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, most (51.8%) of all households in the Borough in 2023 were categorized as family households. Approximately 21% of the married-couple families within the Borough had children under the age of 18.

In providing more detail on American households, the 2020 Census includes the sub-groups of non-traditional households, including “Other Family” and “Non-Family” households. “Other Family” households accounted for 19% of all households, broken down into 16.7% female householders with no spouse or partner present and 2.4% male householders with no spouse or partner present. “Non-Family” households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Non-family households comprised approximately 48.2% of all households in the Borough.

Table 5: Household Size and Type, 2023		
Borough of Allenhurst		
	Total	Percent
Total Households	168	100.0%
Family Households	87	51.8%
Married couple family	55	32.7%
With children	19	11.3%
Without children	36	21.4%
Other Family	32	19.0%
Male householder, no spouse	4	2.4%
With children	0	0.0%
Without children	4	2.4%
Female householder, no spouse	28	16.7%
With children	7	4.2%
Without children	21	12.5%
Nonfamily household	81	48.2%
Male householder	42	25.0%
Living alone	42	25.0%
Not living alone	0	0.0%
With children	0	0.0%
Female householder	39	23.2%
Living alone	28	16.7%
Not living alone	11	6.5%
With children	0	0.0%

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables B11005 and B11010

Income

As measured in 2023, the Borough of Allenhurst had a significantly lower median household income compared to Monmouth County, but higher than the State of New Jersey. The median income in the Borough of Allenhurst was \$96,500, which was roughly \$26,227 less than that of the County and \$4,550 less than that of the State. The per capita income in the Borough of Allenhurst was slightly higher than that of the County and State. This data is outlined in Table 6 below.

Table 6: Per Capita and Household Income, 2023 Borough of Allenhurst, Monmouth County, and New Jersey		
	Per Capita Income	Median Household Income
Borough of Allenhurst	\$76,865	\$96,500
Monmouth County	\$63,729	\$122,727
New Jersey	\$53,118	\$101,050

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables S1901 and S1902

In 2023, roughly 74% percent of all households in the Borough earned an income of \$50,000 or more, as compared to roughly 79% of households in the County. The income range that accounted for the most Borough households was the \$200,000 or more bracket, which comprised 21.4% of households in Allenhurst; this was also the case across Monmouth County as a whole, but at a higher percentage of 27.7%. The second largest income bracket in the Borough was \$100,000 to \$149,999 comprising 17.3% of households. At the County level, this same income bracket accounted for 17.6% of households. This suggests that the Borough’s household income distribution is slightly skewed toward lower income brackets as compared to the County, which may at least partially help explain the difference between the median income reported at the Borough (\$96,500) and County (\$122,727) levels.

Table 7: Household Income, 2023 Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number¹	Percent	Number¹	Percent
Less than \$10,000	18	10.7	8,349	3.3
\$10,000 to \$14,999	0	0	5,313	2.1
\$15,000 to \$24,999	4	2.4	10,879	4.3
\$25,000 to \$34,999	7	4.2	10,879	4.3
\$35,000 to \$49,999	14	8.3	17,710	7
\$50,000 to \$74,999	25	14.9	25,552	10.1
\$75,000 to \$99,999	22	13.1	25,805	10.2
\$100,000 to \$149,999	29	17.3	44,527	17.6
\$150,000 to \$199,999	13	7.7	34,407	13.6
\$200,000 or more	36	21.4	70,080	27.7
Total Households	168	100.0%	252,995	100.0%
Median Household Income	\$96,500		\$122,727	

Source: 2019-2023 American Community Survey 5-Year Estimates

¹Due to the data being estimates, the number in each row does not add up with the “total” row.

Poverty Status

Of the 387 people in the Borough of Allenhurst for which poverty status was determined, 22 (5.7%) individuals lived in poverty in 2023; this is slightly lower than the County’s poverty rate of 6.4%. Of Allenhurst’s population that fell below the poverty level in 2023, all were between the ages of 18 to 64. At the County level this same age ground had the largest percentage of persons living below the poverty level. This data is presented in Table 8 below.

Table 8: Poverty Status, 2023				
Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number	% of Total Persons	Number	% of Total Persons
Total persons	387	100.0%	637,240	100.0%
Total persons below poverty level	22	5.7%	40,958	6.4%
Under 18	0	0.0%	9,487	1.5%
18 to 64	22	5.7%	23,232	3.6%
65 and over	0	0.0%	8,239	1.3%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table S1701

Household Costs

Tables 9 and 10 below show the expenditures for housing as a percentage of household income for those who own and rent in the Borough of Allenhurst and Monmouth County. In 2023, a majority of Borough residents lived in homes they owned, which was the same at the County level as well. General affordability standards set a limit of 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 38% of Borough residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 38.9% of Borough residents who rented the units they occupied. These figures were on par with those of the County.

Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023 Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	79	100.0%	187,265	100.0%
Less than 20.0%	39	49.4%	39	0.0%
20.0 to 24.9%	5	6.3%	25,780	13.8%
25.0 to 29.9%	5	6.3%	16,946	9.0%
30.0 to 34.9%	11	13.9%	10,722	5.7%
35.0% or more	19	24.1%	40,650	21.7%
Not computed	9	11.4%	1,313	0.7%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP04

Table 10: Gross Rent as a Percentage of Household Income, 2023 Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number	Percent	Number	Percent
Total Renter-Occupied Housing Units	80	100.00%	61,617	100.00%
Less than 10.0%	3	3.8%	2,113	3.4%
10.0 to 14.9%	11	13.8%	4,993	8.1%
15.0 to 19.9%	18	22.5%	6,970	11.3%
20.0 to 24.9%	6	7.5%	6,927	11.2%
25.0 to 29.9%	6	7.5%	6,419	10.4%
30.0 to 34.9%	3	3.8%	4,751	7.7%
35.0 to 39.9%	6	7.5%	3,057	5.0%
40.0 to 49.9%	9	11.3%	6,163	10.0%
50.0% or more	13	16.3%	16,805	27.3%
Not computed	5	6.3%	3,419	5.5%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS

Housing Unit Data

The Borough of Allenhurst’s housing stock is largely comprised of structures built prior to the year 1950, with many of its homes dating to the late 19th and early 20th Centuries. The Borough is almost entirely within a historic district designated on the State and National Registers of Historic Places that encompasses 290 residential properties and several other sites. In 2023, Allenhurst had a total of 168 occupied housing units, representing barely 50% of the Borough’s total housing units. Roughly 52.4% of occupied units were owner-occupied and 47.6% of which were renter-occupied. The Borough experienced housing booms before the 1940s, during which approximately 61.7% of the Borough’s housing structures were constructed. According to 2019-2023 American Community Survey Estimates, the Borough has seen very few housing structures built between after 2000. The median year of construction for the housing stock in Allenhurst is 1939, indicating that very little new development is occurring within the Borough. This data is outlined in Tables 11 and 12 below.

Table 11: Housing Data, 2023 Borough of Allenhurst			
	Number	% of Total Housing Units	% of Occupied Housing Units
Total Housing Units	337	100%	-
Occupied Housing Units	168	49.9%	100%
Owner Occupied	88	26.1%	52.4%
Renter Occupied	80	23.7%	47.6%
Vacant Housing Units	169	50.1%	-

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP04

Table 12: Year Structure Built, 2023 Borough of Allenhurst		
	Number	Percent
Total Housing Units	337	100.00%
Built 1939 or earlier	208	61.7%
Built 1940 to 1949	45	13.4%
Built 1950 to 1959	12	3.6%
Built 1960 to 1969	17	5.0%
Built 1970 to 1979	19	5.6%
Built 1980 to 1989	9	2.7%
Built 1990 to 1999	13	3.9%
Built 2000 to 2009	7	2.1%
Built 2010 to 2019	7	2.1%
Built 2012 or later	0	0.0%
Median Year Structure Built	1939	

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

According to the 2019-2023 American Community Survey 5-Year Estimates, approximately half of the housing units in the Borough of Allenhurst are vacant. Of Allenhurst’s 337 housing units, 168 (49.9%) were occupied and 169 (50.1%) were vacant. Nearly 95% of vacant units could be attributed to “For Seasonal, Recreational or Occasional Use” and “Other Vacant” accounting for the remaining 5.3%. This data is represented in Table 13 below. The housing occupancy data is consistent with the observed decline in permanent residents in Allenhurst as the Borough’s housing stock is nearly half seasonal homes.

Table 13: Housing Occupancy, 2023 Borough of Allenhurst			
	Total	% of Total Housing Units	% of Vacant Housing Units
Total Housing Units	337	100.00%	-
Occupied	168	49.9%	-
Vacant Housing Units	169	50.1%	100.0%
For Rent/Rented Not Occupied	0	0.0%	0.0%
For Sale Only	0	0.0%	0.0%
Sold, not occupied	0	0.0%	0.0%
For Seasonal, Recreational or Occasional Use	160	47.5%	94.7%
Other Vacant	9	2.7%	5.3%

Source: 2019-2023 American Community Survey 5-Year Estimates

Housing Type and Size

In 2023, single-family detached housing made up the vast majority of the Borough’s housing stock at 78%. Structures with 10 to 19 units were the next most common housing type, representing 7.7% of the Borough’s housing stock. The median number of rooms within housing structures in the Borough was 7.3, with over 70% of housing units having a minimum of 6 rooms and less than 2% of housing units having 2 or fewer rooms.

Table 14: Housing Type and Size, 2023 Borough of Allenhurst		
Units in Structure	Total	Percent
1, detached	263	78.0%
1, attached	7	2.1%
2	17	5.0%
3 or 4	11	3.3%
5 to 9	11	3.3%
10 to 19	26	7.7%
20 or more	2	0.6%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Total Housing Units	337	100.00%
Rooms	Total	Percent
1 room	0	0.0%
2 rooms	6	1.8%
3 rooms	24	7.1%
4 rooms	46	13.6%
5 rooms	20	5.9%
6 rooms	37	11.0%
7 rooms	43	12.8%
8 rooms	43	12.8%
9 or more rooms	118	35.0%
Total Housing Units	337	100.00%
Median number of rooms	7.3	

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables DP04 and B25024

Housing Growth and Projections

In terms of residential growth, the issuance of building permits and demolition permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2015 through November 2024, when the Borough issued building permits authorizing the development of 3 new housing units for single-family homes.

Further, throughout the same 10-year period, Allenhurst issued permits authorizing the demolition of 2 units, as illustrated in Table 16. It is expected in the majority of the Borough that this low building and demolish trend will continue over the next 10 years. However, per the Borough’s Third Round settlement agreement, the Borough anticipates seeing the development of 113 residential units in the downtown area, including 23 affordable units on Lake Drive.

Table 15: Housing Units Authorized by Building Permits, 2015-2024				
Borough of Allenhurst				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	0	0	0	0
2016	2	0	0	2
2017	1	0	0	1
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0
2024	0	0	0	0
Total 2015-2024	3	0	0	3
10-Year Average				0.3
10-Year Permit Projection (2025-2035)				3

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Table 16: Housing Units Demolished by Building Permits, 2015-2024				
Borough of Allenhurst				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	0	0	0	0
2016	1	0	0	1
2017	1	0	0	1
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0
2024	0	0	0	0
Total 2015-2024	2	0	0	2
10-Year Average				0.2
10-Year Demolition Projection (2025-2035)				2

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Housing Values and Contract Rents

According to the 2019-2023 American Community Survey, over half (64.8%) of the owner-occupied housing stock in the Borough of Allenhurst in 2023 was valued at \$1,000,000 or greater as compared to 14.7% of the County’s housing stock. In addition, the Borough’s median home value (\$1,125,000) exceeded that of the County (\$628,000) by an estimated \$497,000. This data is outlined in Table 17 below.

Table 17: Value for Owner-Occupied Housing Units, 2023 Borough of Allenhurst and Middlesex County				
	Borough of Allenhurst		Monmouth County	
	Number	Percent	Number	Percent
Total	88	100.0%	188,381	100.0%
Less than \$50,000	2	2.3%	3,151	1.7%
\$50,000 to \$99,999	0	0.0%	2,524	1.3%
\$100,000 to \$149,999	0	0.0%	1,133	0.6%
\$150,000 to \$199,999	0	0.0%	2,415	1.3%
\$200,000 to \$299,999	0	0.0%	6,959	3.7%
\$300,000 to \$499,999	0	0.0%	47,107	25.0%
\$500,000 to \$999,999	29	33.0%	97,401	51.7%
\$1,00,000 and greater	57	64.8%	27,691	14.7%
Median Value	\$1,125,000		\$628,000	

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown on Table 18 below, it is estimated that 31.7% of owner-occupied units in the Borough were financed by a primary mortgage, contract to purchase, or similar debt. Of these units, approximately 29.6% were tied to multiple mortgages, specifically a mortgage and home equity loan. Approximately 63% had no second mortgage and no home equity loan, and the remaining 7.4% had a home equity loan without a primary mortgage. Proportionally, there were significantly more owner-occupied housing units with a mortgage at the County level; more specifically, 63.3% of such units had a primary mortgage, while 36.7% of units did not. Of those units in the County tied to a primary mortgage, 81.9% did not have any additional lines of credit associated with the unit, while 11.5% were associated with a mortgage and home equity loan, 0.7% were associated with a second mortgage, and 0.3% were associated with both a second mortgage and a home equity loan.

Table 18: Mortgage Status Borough of Allenhurst and Monmouth County, 2023 Estimates						
	Borough of Allenhurst			Monmouth County		% of Mortgage Units
	Number	% of Total Units	% of Mortgage Units	Number	% of Total Units	
Total Owner-Occupied Units	88	100.00%	-	188,381	100.00%	-
Housing units with a mortgage, contract to purchase, or similar debt:	27	31.7%	100.00%	119,270	63.3%	100.00%
Housing units with no second mortgage and no home equity loan	17	19.3%	63.0%	97,647	51.8%	81.9%
Housing units with multiple mortgages:	8	9.1%	29.6%	14,929	7.9%	12.5%
Mortgage with both second mortgage and home equity loan	0	0.0%	0.0%	373	0.2%	0.3%
Mortgage, with only home equity loan	8	9.1%	29.6%	13,711	7.3%	11.5%
Mortgage, with only second mortgage	0	0.0%	0.0%	845	0.4%	0.7%
Home equity loan without a primary mortgage	2	2.3%	7.4%	6,694	3.6%	5.6%
Housing units without a mortgage	61	69.3%	-	69,111	36.7%	-

Source: 2019-2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in the Borough of Allenhurst in 2023 was \$1,433, which was roughly \$319 lower than the County median rent of \$1,752. Within the Borough, the highest percentage of renters paid between \$1,000 to \$1,499 for monthly rent (50%), followed by \$1,500 to \$1,999 (17.5%). At the County level over a quarter (27.1%) of renters paid between \$1,000 to \$1,499 for monthly rent, and there was a significantly higher occurrence of renters paying \$1,500 to \$1,999 for rent (25.8%). This data suggests that rent in the Borough is more affordable than it is throughout the County as a whole.

Table 19: Contract Rent, 2023 Borough of Allenhurst and Monmouth County				
	Borough of Allenhurst		Monmouth County	
	Number	Percent	Number	Percent
Total Renter-Occupied Units	80	100.0%	61,617	100.0%
Less than \$500	0	0.0%	4,738	7.7%
\$500 to \$999	12	15.0%	4,636	7.5%
\$1,000 to \$1,499	40	50.0%	16,689	27.1%
\$1,500 to \$1,999	14	17.5%	15,907	25.8%
\$2,000 to \$2,499	12	15.0%	9,176	14.9%
\$2,500 to \$2,999	0	0.0%	4,835	7.8%
\$3,000 or More	0	0.0%	3,242	5.3%
No Rent Paid	2	2.5%	2,394	3.9%
Median Contract Rent	\$1,433		\$1,752	

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Borough's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, over three-quarters

(79.2%) of the Borough’s housing stock relied on utility gas for heating, followed by electricity (17.9%). No occupied housing units experienced overcrowding (more than one person per room). Throughout the Borough, there were no occupied housing units that lacked complete plumbing facilities or telephone service, and only 3 (0.9%) units lacked complete kitchen facilities of all units in the Borough.

Table 20: Housing Conditions, 2023 Borough of Allenhurst		
	Number	Percent
House Heating Fuel-Occupied Housing Units		
Total	168	100.0%
Utility gas	133	79.2%
Bottled, tank, or LP gas	0	0.0%
Electricity	30	17.9%
Fuel oil, kerosene, etc.	0	0.0%
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	0	0.0%
Other fuel	2	1.2%
No fuel used	3	1.8%
Occupants per Room – Occupied Housing Units		
Total	168	100.0%
1.00 or Less	168	100.0%
1.01 to 1.50	0	0.0%
1.51 or More	0	0.0%
Facilities – Total Units		
Total	337	100.0%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	3	0.0%
Telephone Service – Occupied Housing Units		
Total	168	100.0%
No Service	0	0.0%

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables DP04, B25047 and B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in the Borough of Allenhurst, Monmouth County, and New Jersey, respectively. Throughout this thirteen-year period, the Borough saw an overall 4.9% decrease in its unemployment rate; although the Borough experienced a 4.5% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, although in comparison the Borough has consistently exhibited a lower unemployment rate in recent years. In 2023, the Borough’s unemployment rate was 2.8%, which was 1% lower than the County (3.8%) and 1.6% lower than the State (4.4%).

Table 21: Employment and Residential Labor Force, 2010 to 2023 Borough of Allenhurst				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	273	252	21	7.7%
2011	272	242	30	11.0%
2012	294	275	19	6.5%
2013	292	276	16	5.5%
2014	291	277	14	4.8%
2015	296	282	14	4.7%
2016	290	284	6	2.1%
2017	301	293	8	2.7%
2018	301	295	6	2.0%
2019	308	302	6	1.9%
2020	299	280	19	6.4%
2021	305	292	13	4.3%
2022	315	306	9	2.9%
2023	318	309	9	2.8%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, Municipal Historical Annual Data, 2010-2023

Table 22: Employment and Residential Labor Force, 2010 to 2023				
Monmouth County				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	329,551	300,221	29,330	8.9%
2011	328,778	300,484	28,294	8.6%
2012	329,833	300,866	28,967	8.8%
2013	326,499	301,360	25,139	7.7%
2014	325,472	305,760	19,712	6.1%
2015	326,151	309,467	16,684	5.1%
2016	327,405	312,929	14,476	4.4%
2017	335,907	322,337	13,570	4.0%
2018	336,416	324,474	11,942	3.5%
2019	341,968	331,394	10,574	3.1%
2020	336,742	307,993	28,749	8.5%
2021	339,979	319,991	19,988	5.9%
2022	347,680	335,679	12,001	3.5%
2023	352,981	339,416	13,565	3.8%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, County Historical Annual Data, 2010-2023

Table 23: Employment and Residential Labor Force, 2010 to 2023				
New Jersey				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	4,559,778	4,118,982	440,796	9.7%
2011	4,561,786	4,134,708	427,078	9.4%
2012	4,576,286	4,147,221	429,065	9.4%
2013	4,528,019	4,147,661	380,358	8.4%
2014	4,493,894	4,191,318	302,576	6.7%
2015	4,494,606	4,237,876	256,730	5.7%
2016	4,492,821	4,271,201	221,620	4.9%
2017	4,614,953	4,406,151	208,802	4.5%
2018	4,604,787	4,420,713	184,074	4.0%
2019	4,687,390	4,525,044	162,346	3.5%
2020	4,638,386	4,200,980	437,406	9.4%
2021	4,648,814	4,337,793	311,021	6.7%
2022	4,736,213	4,552,563	183,650	3.9%
2023	4,829,671	4,615,722	213,949	4.4%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, State Historical Annual Data, 2010-2023

Employment Status

It is estimated that nearly two-thirds (66.9%) of Allenhurst’s population over the age of 16 was in the labor force in 2023, which was slightly higher than the County’s rate of 66.5%. Of the Borough’s labor force, 100% of workers were civilians and a vast majority (85.6%) were employed. At the County level, 99.9% of workers were civilians and 95.8% of the labor force was employed, indicating that the Borough slightly underperforms the County. This data is shown in Table 24 below.

Table 24: Employment, 2023 Borough of Allenhurst and Monmouth County						
	Borough of Allenhurst			Monmouth County		
	Number	% of 16+ Population	% of Labor Force	Number	% of 16+ Population	% of Labor Force
Population 16 years and over	353	100.0%	-	527,247	100.0%	-
In labor force	236	66.9%	100.0%	350,871	66.5%	100.0%
Civilian Labor Force	236	66.9%	100.0%	350,651	66.5%	99.9%
Employed	202	57.2%	85.6%	336,135	63.8%	95.8%
Unemployed	34	9.6%	14.4%	14,516	2.8%	4.1%
Armed Forces	0	0.0%	0.0%	220	0.0%	0.1%
Not in labor force	117	33.1%	-	176,376	33.5%	-

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2019-2023 American Community Survey Estimates, the majority of workers (68.3%) living in the Borough of Allenhurst were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer. The next largest category was private not-for-profit wage and salary workers (16.3%), followed by those who were self-employed or an unpaid family worker (12.9%). This data is outlined in Table 25 below.

Table 25: Class of Worker, 2023 Borough of Allenhurst		
Total Civilian Employed Workers (Age 16+)	202	100.0%
Private Wage and Salary Worker	138	68.3%
Private not-for-profit wage and salary workers	33	16.3%
Local Government Worker	1	0.5%
State Government Worker	4	2.0%
Federal Government Worker	0	0.0%
Self-Employed Worker or Unpaid Family Worker	26	12.9%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Borough residents who worked within the private wage field were concentrated heavily in Management, Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for just over 77% of the entire resident workforce over the age of 16.

Table 26: Resident Employment by Occupation, 2023 Borough of Allenhurst		
	Number	Percent
Employed Civilian Population 16 Years and Over	202	100.0%
Management, business, science and arts occupations	122	60.4%
Service occupations	19	9.4%
Sales and office occupations	35	17.3%
Natural resources, construction and maintenance occupations	3	1.5%
Production Transportation and material moving occupations	23	11.4%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of the Borough of Allenhurst residents in 2023 was the Professional, scientific, and management, and administrative and waste management services, which made up 31.7% of the workforce. The second most common industry during this time was the Educational Services, and Health Care and Social Assistance sectors, which accounted for 22.8% of the Borough’s resident workforce.

Table 27: Employment by Industry, 2023 Borough of Allenhurst		
Industry	Number	Percent
Employed Civilian Population 16 Years and Over	202	100.00%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	6	3.0%
Manufacturing	3	1.5%
Wholesale Trade	19	9.4%
Retail Trade	17	8.4%
Transportation and Warehousing, and Utilities	9	4.5%
Information	11	5.4%
Finance and insurance, and real estate and rental and leasing	14	6.9%
Professional, scientific, and management, and administrative and waste management services	64	31.7%
Educational services, and health care and social assistance	46	22.8%
Arts, entertainment, and recreation, and accommodation and food services	9	4.5%
Other Services, except public administration	4	2.0%
Public administration	0	0.0%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that over half (61.4%) of the employed population that did not work from home commuted less than 30 minutes to their place of work. More than one-quarter (26.7%) of the Borough’s population commuted over an hour, with the remaining 2.2% commuting between 30 and 59 minutes. A vast majority (76.5%) of the Borough’s working population drove alone as their primary means of travel to

work. Roughly 10.1% of workers carpooled or utilized public transportation, a taxicab, motorcycle, bike, or other means of transportation to commute to work, while 3.1% walked and the remaining 10.2% of the population worked from home. This data is outlined in Tables 28 and 29 below.

Table 28: Travel Time to Work, 2023 Borough of Allenhurst		
	Number	Percent
Workers who did not work at home	176	100.0%
Less than 5 minutes	21	11.9%
5 to 9 minutes	39	22.2%
10 to 14 minutes	8	4.5%
15 to 19 minutes	31	17.6%
20 to 24 minutes	5	2.8%
25 to 29 minutes	4	2.3%
30 to 34 minutes	17	9.7%
35 to 39 minutes	0	0.0%
40 to 44 minutes	2	1.1%
45 to 59 minutes	2	1.1%
60 to 89 minutes	30	17.0%
90 or more minutes	17	9.7%
Mean Travel Time to Work (minutes)	29.3	

Source: 2019-2023 American Community Survey 5-Year Estimates, Tables DP03 and B08303

Table 29: Means of Travel to Work, 2023 Borough of Allenhurst		
	Number	Percent
Workers 16 years and over	196	100.0%
Car, truck, van - Drove Alone	150	76.5%
Car, truck, van - Carpooled	10	5.1%
Public Transportation	8	4.1%
Walked	6	3.1%
Taxicab, Motorcycle, Bike, or Other	2	1.0%
Worked at home	20	10.2%

Source: 2019-2023 American Community Survey 5-Year Estimates, Table DP03

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within Allenhurst. The first table reflects the number of jobs covered by private employment insurance from 2013 through 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Allenhurst between 2013 and 2023 was in 2017 when 243 jobs were covered by unemployment insurance. Private employment has remained relatively steady in the Borough of Allenhurst

since 2013, with its largest loss occurring between 2019 and 2020 (-8.7%), and largest gain occurring between 2016 and 2017 (11.5%). Allenhurst experienced a loss of 12 jobs in 2023, representing a decrease of 5.2% percent from 2022.

Table 30: Private Wage Covered Employment 2013 - 2023			
Borough of Allenhurst			
Year	Number of Jobs	# Change	% Change
2013	239	-	-
2014	241	2	0.8%
2015	235	-6	-2.5%
2016	218	-17	-7.2%
2017	243	25	11.5%
2018	232	-11	-4.5%
2019	218	-14	-6.0%
2020	199	-19	-8.7%
2021	213	14	7.0%
2022	232	19	8.9%
2023	220	-12	-5.2%

In-Borough Establishments and Employees by Industry: 2022

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Borough, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Borough had an annual average of 49 establishments employing an average of 220 persons in the private sector. In the private sector, the annual averages were broken out as follows: local government had an average of 1 unit employing an average of 63 people; and federal government had an average of 1 unit employing 3 people. The professional and technical services sector was the Borough's predominant private sector, with an average of 12 units employing an average of 41 people.

Table 31: Average Number of Establishments and Employees by Industry, 2023 Borough of Allenhurst			
Industry ID and Description		2023 Average¹	
		Units	Employment
11	Agriculture		
21	Mining		
22	Utilities	.	.
23	Construction	.	.
31	Manufacturing	.	.
42	Wholesale Trade		
44	Retail Trade	7	16
48	Transp/Warehousing		
51	Information	.	.
52	Finance/Insurance		
53	Real Estate	4	11
54	Professional/Technical	12	41
56	Admin/Waste Remediation	.	.
61	Education	.	.
62	Health/Social	.	.
71	Arts/Entertainment	.	.
72	Accommodations/Food	.	.
81	Other Services	5	13
	Private Sector Totals	49	220
61	Local Government Education		
	Local Government Totals	1	63
	State Government Totals		
	Federal Government Totals	1	3

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022

¹ Data has been suppressed (-) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2021, documenting projections between 2015 and 2050. The 2021 report predicts that the Borough’s population, households, and employment will see minimal growth through 2050. It is estimated that the population will see an overall 1.2% increase, while households will increase by 12.8% and employment will increase by 8.9%.

Table 32: Population and Employment Projections, 2015 to 2050					
Borough of Allenhurst					
Category	2015	2050 (Projected)	Annualized Percent Change	Overall Projected Change	
				Number	Percent
Population	498	504	0.0%	6	1.2%
Households	218	246	0.3%	28	12.8%
Employment	203	221	0.2%	18	8.9%

Source: NJTPA Municipal Forecasts, dated 9/13/2021

PART 2: FAIR SHARE PLAN

INTRODUCTION

The following Fair Share Plan (“Plan”) details the Borough of Allenhurst’s Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as the Borough’s Fourth Round Present Need. This Plan proposes mechanisms by which the Borough can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

The Borough’s affordable housing obligations are as follows:

Prior Round Obligation	50
Third Round Obligation	44
Fourth Round Prospective Need	25
Fourth Round Present Need / Rehabilitation Obligation	4

CURRENT STANDARDS

The amended Fair Housing Act includes a number of changes associated with the application of various categories of credits. The below outlines the current standards applicable to the Borough’s Fourth Round obligation.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need for affordable housing through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HEFSP and credited towards the fulfillment of a municipality’s fair share obligations. This is limited to a maximum of 10% of the municipality’s obligations, however.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality’s actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality's actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Borough's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

Unit Type	Unit Credit	Bonus Credit
Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24).	1	1
Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer.	1	0.5
Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹	1	0.5
A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality’s affordable housing obligation for any single 10-year round of affordable housing obligations.	1	0.5
A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.	1	0.5
Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation.	1	0.5
Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ²	1	1
Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).	1	0.5
Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³	1	1

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

REVIEW OF PREVIOUS ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance 1987-1999

The Borough had a Prior Round obligation of 50 units. The Borough of Allenhurst did not participate in the Prior Round; however, the Borough addressed their Prior Round Obligation in the Third Round. Per the court approved Third Round settlement agreement and the Borough’s Third Round JOR, Allenhurst has met their obligation. The mechanisms are to be further discussed in the following “Third Round Compliance” section.

Third Round Compliance

The Borough had a Third Round obligation of 44 units, but because the Borough did not participate in the Prior Round the obligation effectively becomes 94 (50 Prior Round obligation + 44 Third Round obligation). As part of their Third Round compliance process, the Borough received a Vacant Land Adjustment due to its lack of vacant and developable land. The Vacant Land Adjustment established a Realistic Development Potential (RDP) of 27 units because of the Power Station redevelopment project and an unmet need of 67 units. Per the court approved Third Round settlement agreement and the Borough’s Third Round JOR, Allenhurst has met their Third Round obligation through the following mechanisms:

Summary of Allenhurst’s Third Round	
Summary of Allenhurst’s Third Round RDP of 27	
Power Station Inclusionary Development	23
<i>Bonus Credits</i>	<i>+4</i>
Summary of Allenhurst’s Third Round Unmet Need of 67	
Power Station Inclusionary Development	
<i>Bonus Credits</i>	<i>+3</i>
Main Street Commercial District Overlay Inclusionary Zoning	<i>TBD</i>
Mandatory Set-Aside Ordinance	<i>TBD</i>
Affordable Housing Development Fee Ordinance	<i>TBD</i>

Satisfaction of the 27-unit Realistic Development Potential*Power Station Inclusionary Development*

The Power Station properties are located at three sites, referred to as the East Side Property at 315 Hume Street (Block 18 Lot 1), the West Side Property at 500-523 Main Street (Block 21 Lots 5 and 6), and the Lake Drive Property on Lake Drive (Block 31 Lot 3). The Power Station settlement agreement permits Power Station to develop the properties with 113 units of various types of residential development. The Lake Drive Property is to be developed with 23 family affordable rental units, a 20% affordable housing set-aside in the context of the entire project.

The 23 units will yield a total of seven (7) bonus credits. The 23 units and four (4) of the bonus credits are applied to the Borough's Third Round obligation, fulfilling the RDP of 27.

Satisfaction of the 67-unit Unmet Need*Power Station Inclusionary Development*

The remaining three (3) bonus credits from the Power Station Inclusionary Development are to be applied to the fulfillment of the Borough's unmet need obligation.

Main Street Commercial District Overlay Inclusionary Zoning

The Main Street Commercial District Inclusionary Overlay Zone (MS CD), adopted in Ordinance #2024-04 on February 13, 2024, consists of:

- Block 9 Lot 1,
- Block 10 Lots 1 and 18,
- Block 14 Lots 1.01, 1.02, 2.01, and 13-16,
- Block 16 Lots 1-2 and 19,
- Block 19 Lots 1-2,
- Block 21 Lots 1, 1.01 and 8-13,
- Block 22 Lots 1-3,
- Block 23 Lot 2,
- Block 24 Lots 1-4,
- Block 25 Lot 1.

The Overlay Zone will regulate development, allowing inclusionary affordable housing and creating a realistic opportunity to provide affordable housing. Permitted uses include all uses permitted in the underlying zoning and multi-family inclusionary residential development for sale or rent above commercial spaces fronting Main Street or on any floor of properties that do not front Main Street. A maximum residential density of 15 units per acre is permitted and a 20% affordable housing set aside applies to residential development within the Overlay Zone.

Borough-wide Affordable Housing Mandatory Set-Aside Requirement

The Mandatory Set-Aside Requirement was approved as part of Ordinance #2024-03 on February 13, 2024. The Requirement states that any residential development consisting of five (5) or more net new dwelling units at a density of six (6) units or more per acre will be required to have a 20% set aside for affordable housing.

Affordable Housing Development Fee Ordinance

The Affordable Housing Development Fee Ordinance was approved on February 13, 2024, in Ordinance #2024-02. The ordinance required that development fees be collected for all new non-residential and non-inclusionary residential development, as well as for all residential expansions that create new bedrooms. Funds deposited in the affordable housing trust fund may be used for any activity approved by the Superior Court to address Allenhurst's fair share obligation. The ordinance was updated and adopted on February 25, 2025 to make the collection of development fees simpler by amending the conditions for development required to pay a development fee (Appendix D.)

Assessment of the Degree to which Allenhurst has met its Prior and Third Round Obligation

As demonstrated above, Allenhurst has fully satisfied its Prior and Third Round obligation with credit-worthy mechanisms that were previously approved by COAH and/or a Court of competent jurisdiction.

FOURTH ROUND OBLIGATIONS

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehabilitation obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA.

On October 18, 2024, the New Jersey Department of Community Affairs ("DCA") released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of present need and prospective need low- and moderate-income obligations for each of the State's municipalities. The obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2.

The amended Fair Housing Act affirms that the DCA report is not binding on any municipality and that "a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2...by resolution..."

Addressing Fourth Round Present Need

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality's indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region's present need that is redistributed throughout the housing region. Under the Second Round rules, evidence for deficient housing included: year structure was

built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92, Appendix A).

The Third Round Rules (N.J.A.C. 5:97-1.1 *et seq.*) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97, Appendix B). This reduction in the number of criteria was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

The Borough intends to address its 4-unit Fourth Round Rehabilitation Obligation through participation in the Monmouth County Housing Improvement Program, which is administered by Monmouth County Community Development Block Grant (CDBG) program. Income-eligible homeowners are automatically eligible to apply for these funds. The Borough has previously sent out mailings to its residents to advertise this program (in accordance with the requirements of its conditional Third Round JOR) and the program is actively advertised on the Borough's website. As was indicated in the Borough's conditional Third Round JOR, Allenhurst will supplement the County program with funds its affordable housing trust fund if needed.

Addressing Fourth Round Prospective Need

As outlined in the following section, the Borough proposes to meet its entire Fourth Round obligation.

Vacant Land Adjustment

Municipalities can request an adjustment to their obligation based on the determination that there is not sufficient vacant or developable land within the municipality. As permitted by N.J.A.C. 5:93-4 and the Fair Housing Act, a municipality can submit a Vacant Land Adjustment (VLA) that examines the parcels available for development. The end result of the Vacant Land Adjustment is the determination of the Borough's Realistic Development Potential (RDP) for new affordable housing units. After subtracting out the RDP from the obligation, the remaining calculation is known as the "unmet need."

As outlined in the discussion of the Third Round compliance, the Borough conducted a VLA, which yielded an RDP of 27 units based on the proposed redevelopment project for the Power Station sites and the settlement with Fair Share Housing Center, which identified several other parcels that, in its opinion, should generate an RDP. The VLA was recently reviewed and updated as part of the Third Round compliance process in early 2025.

In preparation of the Fourth Round HEFSP, the VLA was reviewed again (see Appendix E.) No additional vacant sites or underutilized parcels likely to redevelop were identified yielding and RDP for the Fourth Round of 0.

The amended Fair Housing Act requires municipalities seeking a VLA to identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25% of the prospective need obligation that has been adjusted.

Mechanisms to Address the Fourth Round Unmet Need of 25

The Fair Housing Act at N.J.S.A. 52:27D-310.1.1 states that:

“Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.”

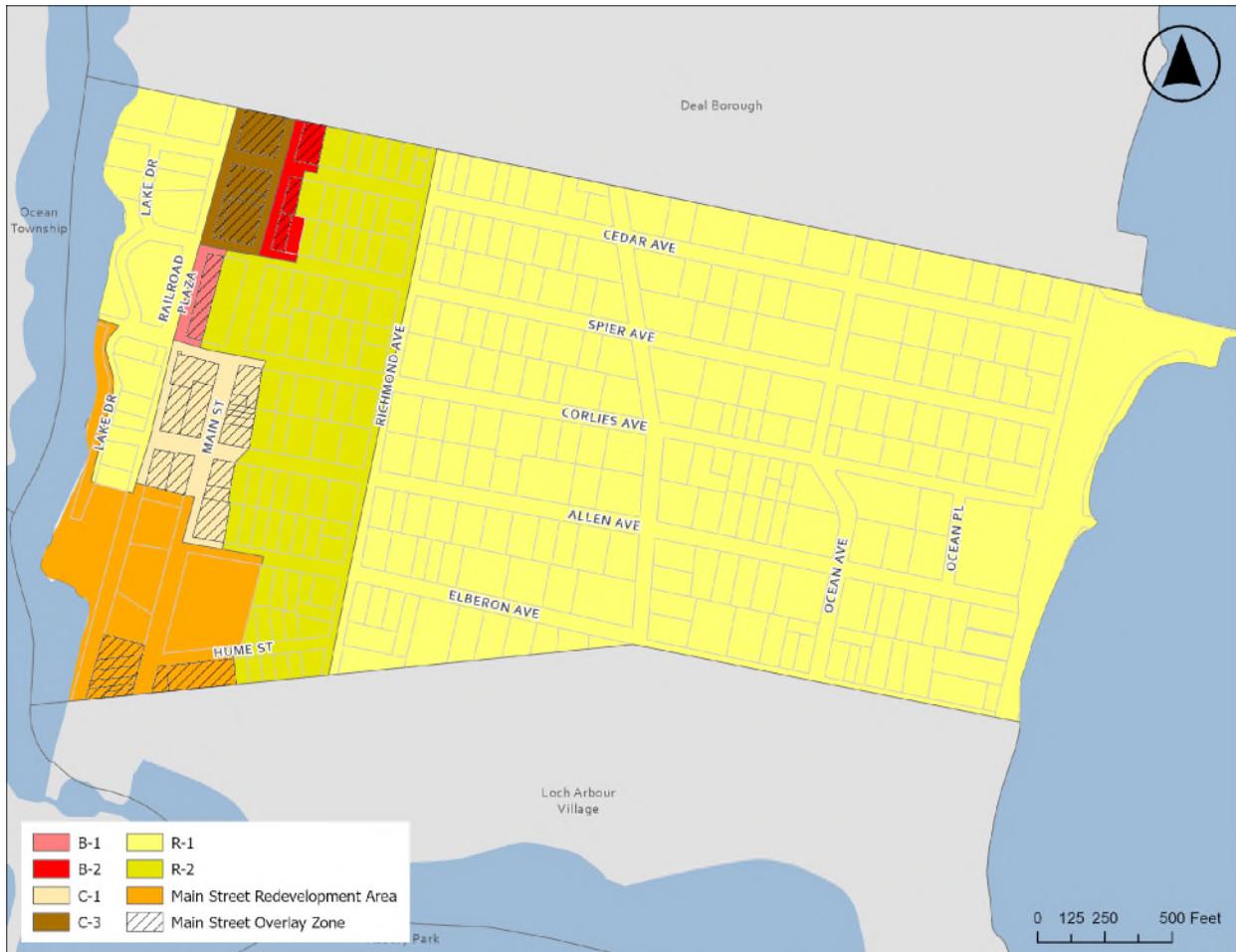
As part of its Third Round compliance mechanisms, the Borough adopted the Main Street Commercial District (MSCD) Overlay Zone. The MSCD permits residential development at 15 units per acre and covers 31 individual properties in 9 blocks along the Main Street corridor. The implementation of the MSCD Overlay as a Third Round mechanism was deemed appropriate by FSHC and the Court. As of the writing of this Plan, the MSCD Overlay has been in effect for approximately 15 months. While it was a Third Round mechanism, it has barely been in effect in the Third Round. The circumstances have not changed since the overlay was approved and adopted.

Based on the low number of existing occupied housing units in the Borough as more of the existing housing stock becomes seasonal homes, the lack of development activity over the past decade, the national, state, and local designated historic district with strict demolition controls encompassing all of the municipality except the Main Street corridor, and the recent implementation of a Redevelopment Plan for a portion of Main Street and an inclusionary overlay zone for the remainder, it is unclear what further efforts the Borough can make to satisfy additional unmet need. There is no additional land that is likely to redevelop that has not already been planned for and zoned.

However, as there are no other properties within the Borough that are likely to redevelop, and as the Borough wishes to remain compliant, the mechanism to address at least 25 percent of its Fourth Round obligation is to amend the MSCD Overlay to increase the permitted residential density from 15 units per acre to 20 units per acre.

An analysis of the parcels and blocks covered by the MSCD demonstrates that the increase from 15 to 20 units per acre will create redevelopment potential for an additional 10 affordable units. The blocks of contiguous properties range from approximately a quarter acre, to a little over an acre, so each potential redevelopment site could yield 1 or more additional affordable unit with the density increase.

The Borough will adopt an ordinance implementing this amendment to the MSCD in advance of the statutory deadline established by the FHA at the end of March 2026.



Zoning Map

Additional Mechanisms

Affordable Housing Development Fee Ordinance #2025-06

The Affordable Housing Development Fee Ordinance was originally approved on February 13, 2024. The ordinance required that development fees be collected for all new non-residential and non-inclusionary residential development, as well as for all residential expansions that create new bedrooms. Funds deposited in the affordable housing trust fund may be used for any activity approved by the Superior Court to address Allenhurst's fair share obligation. The ordinance was updated and adopted on February 25, 2025

to make the collection of development fees simpler by amending the conditions for development required to pay a development fee.

The Borough intends to expend any funds collected through the Development Fee Ordinance for approved affordable housing activities. A draft spending plan, which will be adopted in final form by the Borough Board of Commissioners by resolution, is attached as Appendix F.

Affordable Housing Ordinance #2024-03

An Affordable Housing Ordinance was adopted by the Borough on February 13, 2024 (Ordinance 2024-03), establishing the criteria for implementing affordable housing units in conformance with the Uniform Housing Affordability Controls (UHAC). While this Plan acknowledges that an amendment to the UHAC was released on an emergency basis in December 2024, those rules are set to expire in December 2025. It is also the understanding that the Housing Mortgage and Finance Agency (HMFA), the entity currently responsible for the UHAC regulations, is in the process of drafting further amendments to those rules. Because of the uncertainty with the UHAC regulations, the Borough will refrain from adopting an updated ordinance until such rules are finalized, acknowledging that the December 2024 UHAC rules adopted under emergency measures are the current governing regulations. Should there be any discrepancy between the Borough's adopted ordinance and the current UHAC regulations, the current UHAC regulations shall govern.

A component of Ordinance 2024-03 is the provision for a mandatory Borough-wide affordable set-aside requirement (as previously discussed in this Plan). This provision will remain when the Borough updates its Affordable Housing Ordinance under revised and finalized UHAC standards.

Affirmative Marketing Plan Resolution 2025-61

On February 22, 2025, the Borough adopted Resolution 2025-61, adopting an affirmative fair housing marketing plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low-, and moderate-income households, particularly those living and/or working within Housing Region 4, the Housing Region encompassing the Borough of Allenhurst, which includes Monmouth, Mercer, and Ocean Counties (Appendix G.)

Additional Affordable Housing Resolutions

In January 2025, the Borough appointed Acuity Consulting Services as its Administrative Agent to conduct monitoring activities and administer housing affordability programs annually. In addition, the Borough will ensure that a municipal employee is designated as the Municipal Housing Liaison in accordance with the Fair Housing Act.

Fourth Round Summary

Summary of the Borough of Allenhurst Fourth Round Obligation	
Present Need - 4	
Monmouth County CDBG Rehab Program	4
Prospective Need - 25	
Realistic Development Potential - 0	
Unmet Need – 25 (25% = 8)	
MSCD Overlay Zone Density Increase	10

CONSISTENCY WITH STATE PLANNING REQUIREMENTS

State Plan Conformance

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Sites that are located in the Metropolitan Planning Area 1 or Suburban Planning Area 2 of the SDRP, or are located in an existing sewer service area, are the preferred location for municipalities to address their fair share obligation.

New Jersey adopted its last SDPR in 2001. A draft amendment to the SDRP was prepared in 2011 but ultimately never adopted. The Office of Planning Advocacy released a new draft SDRP on December 4, 2024. The State is currently going through the Plan conformance process.

The New Jersey State Development and Redevelopment Plan identifies the entirety of the Borough as Metropolitan Planning Area 1. There are currently no State Plan Centers in Allenhurst. Nearby centers are located in the City of Asbury Park, Neptune Township, and Bradley Beach Borough.

The adopted 2001 SDRP identifies the following intents of the Metropolitan Planning Area:

- Provide for much of the state’s future redevelopment.
- Revitalize cities and towns.
- Promote growth in compact forms.
- Stabilize older suburbs.
- Redesign areas of sprawl.
- Protect the character of existing stable communities.

The 2024 draft SDRP maintains and expands upon the 2001 intentions:

- Provide for much of the state’s future growth in compact development and redevelopment.

-
- Revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods.
 - Address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems.
 - Prevent displacement and gentrification.
 - Promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms.
 - Rebalance urbanization with natural systems.
 - Promote increased biodiversity and habitat restoration.
 - Stabilize and enhance older inner ring suburbs.
 - Redesign and revitalize auto oriented areas.
 - Protect and enhance the character of existing stable communities.

The policy objectives for the Metropolitan Planning Area include:

- **Land Use:** Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.
- **Housing:** Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

Allenhurst is a built-out municipality almost entirely within the PA1 Metropolitan Planning Area. The lack of vacant land dictates that any future development projects will occur in previously developed areas. While not a designated center, the Borough has taken steps through recent redevelopment plans to focus development in a compact, form along Main Street in an area accessible to services, activity centers, retail, restaurants, and public transit. The mechanisms proposed in this plan, the continued redevelopment of properties on and around the Main Street corridor are consistent with the principles of Smart Growth and the State Development and Redevelopment Plan's present and future objectives.

Furthermore, it is consistent with the SDRP for the Borough to emphasize the protection of its historic character by limiting its redevelopment planning to the Main Street corridor. The Allenhurst Residential Historic District is designated on the State and National Registers of Historic Places and encompasses nearly the entire Borough, and the locally designated Historic District encompasses the entire Borough. The historic residential structures are strictly regulated by the Borough's ordinances and contribute significantly

to the character of the municipality. Redevelopment within the historic district would be generally incompatible with the designation, the Borough’s ordinances, and SDRP Goal # 7 “Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.”

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY COMMISSION

A previous amendment to the Fair Housing Act requires “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, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).” As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission for which to provide an analysis.

USE OF SURPLUS CREDITS

Any surplus credits generated would be applied to any future obligation that the Borough may have.

SUMMARY OF FAIR SHARE COMPLIANCE

Summary of Borough of Allenhurst’s Obligation				
	Total	Very Low	Low	Moderate
Fourth Round Present Need Obligation	4			
Monmouth County CDBG Rehab	4			
Prior Round + Third Round Obligation	50+44=94			
RDP	27			
Power Station Inclusionary Development <i>Bonus Credits</i>	23 +4	Will Comply with UHAC Requirements		
Unmet Need	67			
Power Station Inclusionary Development <i>Bonus Credits</i>	+3			
Main Street Commercial District Overlay Inclusionary Zoning		-	-	-
Mandatory Set-Aside Ordinance		-	-	-
Affordable Housing Development Fee Ordinance		-	-	-
Fourth Round Obligation	25			
Fourth Round RDP	0			
Fourth Round Unmet Need	25 (25% = 8)			
Main Street Commercial District Overlay Inclusionary Zoning Density Increase	10			
TOTAL FOURTH ROUND	10			

Appendices

APPENDIX A – THIRD ROUND ORDER OF FAIRNESS AND PRELIMINARY COMPLIANCE

**APPENDIX B – FOURTH ROUND DECLARATORY JUDGMENT ACTION AND BOARD OF COMMISSIONERS
RESOLUTION**

APPENDIX C – ORDER FIXING FOURTH ROUND OBLIGATION

APPENDIX D – DEVELOPMENT FEE ORDINANCE #2025-06

APPENDIX E – VACANT LAND ADJUSTMENT

APPENDIX F – DRAFT SPENDING PLAN

APPENDIX G – RESOLUTION ADOPTING AN AFFIRMATIVE FAIR HOUSING MARKETING PLAN #2025-61

Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX A – THIRD ROUND ORDER OF FAIRNESS AND PRELIMINARY COMPLIANCE

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of the Borough of Allenhurst

POWER STATION AT ALLENHURST, LLC

Plaintiffs,

v.

BOROUGH OF ALLENHURST, BOARD OF
COMMISSIONERS OF BOROUGH OF
ALLENHURST; AND ALLENHURST
PLANNING BOARD

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO. MON-L-2551-21

Civil Action
(Mount Laurel)

**ORDER OF FAIRNESS AND
PRELIMINARY COMPLIANCE**

This matter having been opened to the court through the filing a *Mt. Laurel* exclusionary zoning suit on behalf of Power Station at Allenhurst, LLC (the "Developer") seeking a builder's remedy in regard to properties owned by the Developer identified as Block 18, Lot 1 on the tax map of the Borough of Allenhurst located at 315 Hume Street, (the "East Side Property"), and Block 21, Lots 5 and 6 (which includes former Lot 7), located at and 500-523 Main Street ("West Side Property"),

Allenhurst, New Jersey, respectively (collectively referred to as the "Developer Properties") represented by Day Pitney LLP (Craig M. Gianetti, Esq. appearing) against the Borough of Allenhurst, Board of Commissioners of the Borough Allenhurst represented by Birdsall and Laughlin, LLC (David A. Laughlin, Esq. appearing) and Pashman Stein Walder Hayden, PC (Andrew Bayer, Esq. appearing), and the Borough of Allenhurst Planning Board represented by Reardon Anderson, LLC (Erik Anderson, Esq. appearing) (the Borough of Allenhurst, the Board of Commissioners of the Borough of Allenhurst and the Allenhurst Planning Board shall be collectively referred to as "Allenhurst" or the "Borough"); and Fair Share Housing Center having intervened in the matter by Court Order dated November 5, 2021 (Rachel Lokken, Esq. appearing); and where on December 8, 2021 this Court entered an Order determining that the Borough had failed to meet its constitutional affordable housing obligation; and the Court having appointed Mary Beth Lonergan, P.P. A.I.C.P., as the Special Court Master; and the Borough and Developer having entered into an Affordable Housing Settlement Agreement dated February 23, 2023 ("Affordable Housing Settlement Agreement") resolving the Mt. Laurel exclusionary lawsuit with the Developer which allows for the development of the East Side Property with twenty-eight (28) market rate townhomes, the West Side Property with sixty-two (62) market rate condominium units as depicted on the concept plans attached as Exhibit B to the Power Station Settlement Agreement with the Borough dedicating a described portion of its Lake Drive Property (portion of Block 31, Lot 3) to the Developer which shall be developed with deed restricted affordable housing upon which the Developer is obligated to construct twenty three (23) rental residential units for low and moderate income household (the proposed development on the East Side Property, West Side Property and affordable family rental housing units to be constructed and located on the Lake Drive property shall be collectively referred to as the "Power Station Inclusionary Development"); and the Borough and Fair Share Housing Center having entered into a Settlement Agreement dated

May 10, 2023 resolving the Borough's cumulative constitutional obligation to provide for its fair share of affordable housing including its Present Need, Prior Round obligation and Third Round gap and prospective need obligation (the "Fair Share Settlement Agreement"); and the Court having scheduled a Fairness and Preliminary Compliance Hearing (the "Fairness Hearing") on July 6, 2023 to consider approval of both the Power Station Settlement Agreement and the Fair Share Settlement Agreement (collectively referred to as the "Settlement Agreements") to determine whether the Settlement Agreements are fair, reasonable and adequately protect the interest of very low, low and moderate income households in accordance with East/West Venture v. Boro. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and the Borough having provided proper public and actual notice of the Fairness Hearing; and no objections to the Settlement Agreements having been filed with the Court; and the Court Special Master, Mary Beth Lonergan, P.P., AICP having issued a report to the Court dated June 29, 2023 ("Court Master Report") recommending Court approval of the Settlement Agreements subject to certain terms and conditions; and the Court having conducted a Fairness Hearing on July 6, 2023 and having considered the testimony of Jennifer Beahm, P.P., AICP on behalf of the Borough; and Special Master Mary Beth Lonergan, P.P. AICP on behalf of the Court; and the Court having admitted into evidence the (1) Settlement Agreement between the Borough and Fair Share Housing Center dated May 10, 2023 as D-1; (2) Affordable Housing Settlement Agreement by and between Allenhurst and the Developer dated February 23, 2023 as D-2; (3) Vacant Land Mapping aerial prepared by Leon S. Avakian, Inc. as D-3; (4) Power Station Properties aerial prepared by Leon S. Avakian, Inc. as D-4; (5) Main Steet Commercial District Overlay Inclusionary Zoning aerial prepared by Leon S. Avian, Inc. as D-5; (6) Main Street Commercial District Overlay Inclusionary Zoning aerial with Borough's Professional Planner's markings as D-5A; (7) Certification of Publication of Service prepared by David A. Laughlin, Esq. dated May 19, 2023 as D-6; (8)

Certification of Service prepared by David A. Laughlin, Esq. dated July 5, 2023 as D-7; and (9) Special Master's Report prepared by Mary Beth Lonergan, PP AICP dated June 29, 2023 as C-1; and the Court having considered the testimony and the evidence submitted, the arguments of counsel; and for the reasons set forth on the record and for good cause having been shown;

IT IS on this 31st day of July, 2023, ~~2023~~

ORDERED:

1. The Affordable Housing Settlement Agreement by and between Power Station at Allenhurst, LLC and the Borough of Allenhurst, Board of Commissioners of the Borough of Allenhurst and the Borough of Allenhurst Planning Board dated February 23, 2023 is fair, reasonable, and adequately protects the interests of very low, low, and moderate-income households, and the Court hereby approves the Affordable Housing Settlement Agreement.
2. The Settlement Agreement between Fair Share Housing Center and the Borough of Allenhurst and Board of Commissioners of the Borough of Allenhurst dated May 10, 2023 is fair, reasonable, and adequately protects the interests of very low, low, and moderate-income households, and the Court hereby approves the Fair Share Settlement Agreement.
3. The Court finds that the inclusionary project of 28 townhomes on the East Side Property, sixty-two (62) market rate condominium units on the West Side Property and twenty three (23) rental residential units dedicated for low and moderate income households on the Lake Drive Property as set forth in the Affordable Housing Settlement Agreement between the Borough and the Developer is facially constitutional compliant and provides a fair and reasonable opportunity for the Borough

to partially meet its obligation under Mt. Laurel IV subject to the Borough's compliance with the conditions set forth herein and the Settlement Agreements.

4. The Court preliminarily finds that the Borough's proposed affordable housing strategy as set forth in the Fair Share Settlement Agreement is facially constitutional compliant and provides a fair and reasonable opportunity for the Borough to meet its cumulative affordable housing obligation under Mt. Laurel IV subject to the Borough's compliance with the conditions set forth herein and in the Court Master Report.
5. In conformance with the Fair Share Settlement Agreement, the Borough's Rehabilitation Obligation is 4 units; the Borough Prior Round (1987-1999) Obligation is 50 units; and the Borough's Third Round (1999-2025) Gap and Prospective Need obligation is 44 units. The Court hereby preliminarily approves the Borough's Vacant Land Inventory as established in the Settlement Agreement with Fair Share Housing Center and finds that the Borough's Realistic Development Potential for the Prior Round and Third Round is twenty-seven (27) units with a remaining unmet need of 67 units. The Borough will address its 27-unit RDP with thirty (30) total credits and rental bonuses generated by the Power Station Inclusionary Development including 23 credits for 23 family affordable rental units and the maximum of seven (7) rental bonuses provided by the firm commitment for family affordable rentals per the Affordable Housing Settlement Agreement between the Borough and Developer. The Borough may apply three (3) surplus credits from the thirty (30) total credits and rental bonuses generated by the Power Station Inclusionary Development towards its unmet need obligation.
6. The Borough shall address its Rehabilitation Obligation of 4 units through participating in the Monmouth County Housing Improvement Program administered by the

Monmouth County Development Block Grant program.

7. The Borough shall address its combined Prior Round/Third Round RDP of 27 units through the adoption of an Amended Redevelopment Plan in accordance with the Affordable Housing Settlement Agreement between Allenhurst and Developer. The Borough shall rezone Block 18, Lot 1 located at 315 Hume Street ("East Side Property"), Block 21, Lots 5 and 6 located at 500-523 Main Street ("West Side Property") owned by Developer, and a portion of the municipally-owned Block 31, Lot 3, otherwise known as the Lake Drive Property to create a realistic opportunity for the construction of twenty-three (23) family affordable rental units on the Lake Drive Property based upon a twenty percent (20%) set-aside of the required affordable housing obligation associated with the 113-unit Power Station Inclusionary Development.
8. The Borough shall address its remaining combined Prior Round and Third Round Gap and Prospective Need unmet need balance of 64 units (67 unmet need – 3 RDP surplus credits) as follows:
 - a. Main Street Commercial District Overlay Inclusionary Zoning: Allenhurst shall adopt overlay inclusionary zoning over the Southern Gateway District, known as Block 21, Lots 8, 9, 10, 11, 12, 13, Block 19, Lots 1 and 2, and also along the Main Street commercial corridor including all remaining parcels in the C-1 Commercial zone, C-2 Main Street Redevelopment Area (with the exception of the Power Station Inclusionary Development parcels including the East Side Property at Block 18, Lot 1 and the West Side Property at Block 21, Lots 5 and 6 which includes former Lot 7) and all parcels in the C-3 Commercial zone, the B-1 Business Office zone, and the B-2 Business Office zone to create a realistic opportunity for the development of affordable housing in accordance with Exhibit P-5A. This order modifies the reference in the Fair Share Settlement Agreement of the inclusion of Block 21, Lot 19 (does not exist) in the Southern Gateway District to instead correctly read Block 21, Lot 10 as listed above. The overlay inclusionary zone along Main Street shall permit multifamily housing up to two stories over ground floor commercial, as well as three-story multifamily apartments in certain locations not fronting Main Street, such as at Block 19, Lot 2, all with a mandatory twenty percent (20%) set-aside for

affordable housing. The bulk standards in this overlay shall permit shared parking ratios and otherwise accommodate a maximum density of fifteen (15) units per acre.

- b. Mandatory Borough-Wide Affordable Housing Set-aside Ordinance: Allenhurst shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential development of five (5) units or more at a density of six (6) or more units per acre, created through: a municipal rezoning permitting multifamily residential housing; use variance; a density variance increasing the permissible density at the site; or a redevelopment plan or a rehabilitation plan. The set aside for affordable housing shall be twenty percent (20%).
- c. Affordable Housing Development Fee Ordinance: Allenhurst shall implement an approved Development Fee Ordinance for all new non-residential development and new non-inclusionary residential development. The Ordinance shall provide for the Borough's collection of residential fees for all residential expansions that increase said residential square footage by the creation of a new bedroom.

9. The Borough shall take all necessary action to prepare, adopt and endorse a Housing Element and Fair Share Plan within one hundred twenty days (120) days of the date of this Order. The Borough shall take all necessary action to rezone the East Side Property, West Side Property and Lake Drive property via a redevelopment plan under the auspices of the Local Redevelopment and Housing Law within 90 days of entry of this Order pursuant to the Affordable Housing Settlement Agreement. The Borough shall also adopt the Main Street Commercial District Overlay Inclusionary Zoning, Mandatory Borough-Wide Affordable Housing Set-aside Ordinance, Development Fee Ordinance, Spending Plan, Affirmative Marketing Plan and will also satisfy the other conditions listed in the Court Master Report within one hundred twenty days (120) days of the date of this Order. The Borough shall submit the adopted and endorsed Housing Element and Fair Share Plan along with all other documentation set forth in both Settlement Agreements and the Court Master Report to the Court Master and interested parties

for final review and recommendation by the Court Master, and for consideration and approval by the Court.

10. The parties shall abide by all terms and conditions in the Settlement Agreements if those terms are referenced as if fully set forth at length herein.
11. The Court will conduct a Final Compliance Hearing for the Court to consider approval of the Borough's Housing Element and Fair Share Plan and its compliance with the terms and conditions of the Settlement Agreements and the Special Master's Report for the purposes of issuing a Judgment of Compliance and Repose on January 12, 2024 at 9:00 a.m. which will last through July 8, 2025. After such Final Compliance Hearing, a Final Judgment of Compliance and Repose may be issued without further hearing should the Court Master file a compliance report that all conditions of the Settlement Agreements and the Special Master's Fairness and subsequent Compliance Report have been met.
12. The Court hereby approves the AHPNJ Regional Income Limits and the process for calculating increases as set forth in paragraph 14 of the Fair Share Settlement Agreement.
13. The Borough's temporary immunity from Mt. Laurel lawsuits shall continue until one month after the date the final Compliance Hearing is held.
14. Counsel for the Borough shall provide copies of this Order to all counsel of record, the Court Master, and the Service List within seven (7) days of the date hereof.

1st Linda Grasso Jones, J.S.C.

Hon. Linda Grasso Jones, J.S.C.

Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

**APPENDIX B – FOURTH ROUND DECLARATORY JUDGMENT ACTION AND BOARD OF COMMISSIONERS
RESOLUTION**

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Borough of Allenhurst

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF ALLENHURST, a
Municipal Corporation of the State of New
Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO.: MON-L-

Civil Action
(Mount Laurel)

**COMPLAINT
FOR DECLARATORY JUDGMENT**

Declaratory Plaintiff/Petitioner, the Borough of Allenhurst, County of Monmouth, State of New Jersey (hereinafter “**Allenhurst**” or the “**Borough**”), a municipal corporation and body politic organized under the laws of the State of New Jersey, with principal offices located at 125 Corlies Avenue, Allenhurst, New Jersey, by way of Complaint for Declaratory Judgment (“**DJ Action**”) as authorized under Directive #14-24 of the Administrative Office of the Courts (the “**Directive**”) says:

NATURE OF ACTION

1. Allenhurst is a municipal corporation of the State of New Jersey.

2. The New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County. NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”).

3. On March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”).

4. Pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”), a municipality seeking certification of its affordable housing obligations and Housing Element and Fair Share Plan in accordance with Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located.

5. Through this DJ Action, Allenhurst seeks the following declaratory relief:

(a) Declaring Allenhurst has established Jurisdiction for the Program by the filing of this DJ Action within forty-eight hours after the adoption of a binding resolution to confirm its present and prospective affordable housing obligations;

(b) Declaring Allenhurst's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by Allenhurst on January 14, 2025, attached hereto as **Exhibit A**;

(c) Declaring Allenhurst has prepared and adopted a Fourth Round Housing Element and Fair Share Plan ("**4th Round HEFSP**"), in accordance with A4 and the Act, which will be adopted by the Borough's Planning Board and subsequently endorsed by the Borough's Board of Commissioners, no later than June 30, 2025, which may include adjustments permitted by law, including, but not limited to i) a "windshield survey" or similar survey which accounts for a lower estimate of present need; ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; iii) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); iv) an adjustment to the Land Capacity Factor; and/or v) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan;

(d) Declaring Allenhurst immune from all exclusionary zoning litigation, including but not limited to the builder's remedy lawsuits, during the pendency of the process outlined in A4 and the Act; and

(e) Declaring Allenhurst in compliance with A4 and the Act and issue a certificate of compliance and immunity from exclusionary zoning litigation in accordance with A4 and the Act, as well as the Directive for the Fourth Round, ending on June 30, 2025; and

(f) Declaring such other relief the Court deems right and proper.

JURISDICTION AND VENUE

6. This action is brought pursuant to the New Jersey Declaratory Judgments Act, N.J.S.A. 2A: 16:50 et seq.

7. This action is also being filed in accordance with P.L.2024, c.2., the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329, and Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”).

8. Venue is proper in Monmouth County, pursuant to the Directive, as Allenhurst is situated in Monmouth County.

FACTUAL AND PROCEDURAL BACKGROUND

9. Pursuant to Mount Laurel IV, Allenhurst entered into a settlement agreement, dated February, 2023, with intervenors and Fair Share Housing Center (“**FSHC**”), seeking among other things, a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine.

10. A Conditional Third Round Judgment of Compliance and Repose was entered on May 13, 2024, granting Allenhurst immunity from Builder’s Remedy suits through July 2, 2025.

11. A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for low- and moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024.

12. On October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and

Background” (the “**DCA Report**”) which established the final calculation and obligations for each municipality in New Jersey, including Allenhurst.

13. The DCA Report calculated Allenhurst’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 4 and a Prospective Need or New Construction Obligation of 25.

14. Section 3 of A4 provides “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4.

15. Allenhurst’s professionals, including legal counsel and affordable housing consultants, utilized the formulas established in sections 6 and 7 of A4 and thereafter determined to accept the DCA estimate of need as described in the DCA Report.

16. On January 14, 2025. Allenhurst adopted a binding resolution determining to accept the obligations as outlined in the DCA Report (the “**Resolution**”).

17. As the calculation of the Present Need and Prospective Need were calculated in accordance with Sections 6 and 7 of A4, Allenhurst is entitled to a presumption of validity of the same.

18. In the Resolution, Allenhurst specifically reserved the right to adjust the Fourth Round Obligation calculated by DCA based the following adjustments or others identified during the process of promulgating a 4th Round HEFSP: i) a “windshield survey” or similar survey which accounts for a lower estimate of present need; ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; iii) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); iv) an adjustment to the Land Capacity

Factor; and/or v) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan.

19. The Resolution further authorized Allenhurst’s professionals to prepare the 4th Round HEFSP in accordance with A4, the Act, and the Resolution and present the same for adoption prior to June 30, 2025.

COUNT ONE

(JURISDICTION PURSUANT TO A4)

20. Allenhurst repeats and makes a part hereof each and every allegation contained in preceding paragraphs and incorporates same by reference as though fully set forth herein at length.

21. A4 established the Affordable Housing Dispute Resolution Program (the “**Program**”) to provide a mechanism for effectively resolving disputes involving the Act.

22. A4 thereafter authorized the Director of the Administrative Office of the Courts to establish procedures for the Program.

23. In furtherance of the same, on December 13, 2024, the Acting Administrative Director of the Courts issued Directive #14-24 (the “**Directive**”), which promulgated procedures and guidelines to implement the Program.

24. The Directive stated that in order for a municipality to obtain a certification of compliance pursuant to the Act, the municipality shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the county in which the municipality is located.

25. Pursuant to the Directive, the declaratory judgment action must be filed within forty-eight hours after adoption of the municipal resolution of fair share obligations, or by

February 3, 2025, whichever is sooner. A copy of the municipal resolution must be included with the initial filing.

26. Allenhurst adopted a binding resolution establishing its present and prospective affordable housing obligations within the timeframe established by A4 and in accordance with the methodology and formula set forth within the Act, a certified copy of which is attached hereto as Exhibit A.

27. Based upon the foregoing, Allenhurst has established jurisdiction within the Program and before the Superior Court with regard to the DJ Action.

COUNT TWO

(DETERMINATION OF OBLIGATION)

28. Allenhurst repeats and makes a part hereof each and every allegation contained in preceding paragraphs and incorporates same by reference as though fully set forth herein at length.

29. A4 set forth specific methodology to calculate municipality's present and prospective affordable housing need for the Fourth Round and directed the DCA to apply said methodology and publish a report with its calculations for all of the municipalities in New Jersey.

30. On October 18, 2024, DCA released the DCA Report.

31. Pursuant to the DCA Report, DCA calculated Allenhurst's Present Need (Rehabilitation Obligation) as 4 and the Prospective Need Obligation (New Construction) as 25.

32. Allenhurst adopted the Resolution on January 14, 2025, confirming the obligations as set forth in the DCA Report.

33. In the Resolution, Allenhurst specifically reserved the right to adjust the Fourth Round Obligation calculated by DCA based on certain adjustments outlined therein.

34. The Resolution is attached hereto as Exhibit A.

COUNT THREE

(4th ROUND HOUSING ELEMENT AND FAIR SHARE PLAN)

35. Allenhurst repeats and makes a part hereof each and every allegation contained in preceding paragraphs and incorporates same by reference as though fully set forth herein at length.

36. A4 states that every municipality shall adopt a housing element and fair share plan as provided for by the Act and propose drafts of appropriate zoning and other ordinances and resolutions to implement its present and prospective needs on or before June 30, 2025.

37. Following adoption of the housing element and fair share plan for the Fourth Round, A4 dictates the municipality shall file the plan with the Program within forty-eight hours after adoption.

38. In the Resolution, Allenhurst authorized its professionals to prepare the 4th Round HEFSP to be adopted prior to June 30, 2025 to address the obligations. The Resolution further reserved the right to adjust the obligations as may be permitted by law, including such adjustments as: i) a “windshield survey” or similar survey which accounts for a lower estimate of present need; ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; iii) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); iv) an adjustment to the Land Capacity Factor; and/or v) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan.

39. Following adoption of the 4th Round HEFSP is by the Planning Board and endorsement by the Borough Board of Commissioners, Allenhurst shall upload its 4th Round HEFSP to Court within 48 hours of adoption for approval by the Program.

COUNT FOUR

(IMMUNITY)

40. Allenhurst repeats and makes a part hereof each and every allegation contained in preceding paragraphs and incorporates same by reference as though fully set forth herein at length.

41. Pursuant to A4 and the Act, a municipality that complies with the deadlines in A4 and the Act , both for determining present and prospective affordable housing obligation and for adopting the appropriate HEFSP shall have immunity from exclusionary zoning litigation.

42. Allenhurst has met the deadline for the adoption and filing of its binding resolution and the filing of the instant matter, in accordance with the Directive and is therefore, is entitled to immunity from exclusionary zoning litigation at this time.

43. After timely filing of the 4th Round HEFSP with the Program, Allenhurst shall be entitled to immunity from exclusionary zoning litigation through the end of the Fourth Round, or until June 30, 2035.

PRAYERS FOR RELIEF

WHEREFORE, the Borough of Allenhurst seeks a declaratory judgment for the following relief:

- (a) Declaring Allenhurst has established Jurisdiction for the Program by the filing of this DJ Action within forty-eight hours after the adoption of a binding resolution to confirm its present and prospective affordable housing obligations;

(b) Declaring Allenhurst's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by Allenhurst on January 14, 2025, attached hereto as **Exhibit A**;

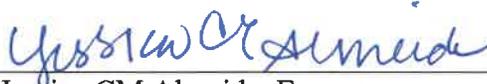
(c) Declaring Allenhurst has prepared and adopted its 4th Round HEFSP, in accordance with A4 and the Act, which will be adopted by the Borough's Planning Board and subsequently endorsed by the Borough's Board of Commissioners, no later than June 30, 2025, which may include adjustments permitted by law, including, but not limited to i) a "windshield survey" or similar survey which accounts for a lower estimate of present need; ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; iii) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); iv) an adjustment to the Land Capacity Factor; and/or v) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan;

(d) Declaring Allenhurst immune from all exclusionary zoning litigation, including but not limited to the builder's remedy lawsuits, during the pendency of the process outlined in A4 and the Act; and

(e) Declaring Allenhurst in compliance with A4 and the Act and issue a certificate of compliance and immunity from exclusionary zoning litigation in accordance with A4 and the Act, as well as the Directive for the Fourth Round, ending on June 30, 2025;

(f) Declaring such other relief the Court deems right and proper.

McMANIMON, SCOTLAND & BAUMANN, LLC
Attorneys for Plaintiff/Petitioner
Borough of Allenhurst

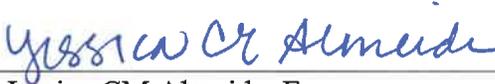
By: 
Jessica CM Almeida, Esq.

Dated: January 15, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule. 4:25-4, Jessica CM Almeida, Esq. is hereby designated as Trial Counsel in this matter.

McMANIMON, SCOTLAND & BAUMANN, LLC
Attorneys for Plaintiff/Petitioner
Borough of Allenhurst

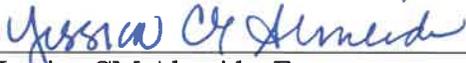
By: 
Jessica CM Almeida, Esq.

Dated: January 15, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

It is hereby certified in accordance with Rule 4:5-1 that the specific matter in controversy is not, to my knowledge, the subject of any action pending in any Court, nor of any pending arbitration proceeding. There are no other actions or arbitration proceedings in existence or contemplated at this time, and I know of no other party who should be joined in this action. I hereby certify that these statements made by me are true. I am aware that if any of these statements is willfully false, I am subject to punishment.

McMANIMON, SCOTLAND & BAUMANN, LLC
Attorneys for Plaintiff/Petitioner,
Borough of Allenhurst

By: 
Jessica CM Almeida, Esq.

Dated: January 15, 2025

EXHIBIT A

RESOLUTION NO. 2025-42
RESOLUTION OF THE BOROUGH OF ALLENHURST
ESTABLISHING THE BOROUGH'S FOURTH ROUND PRESENT AND
PROSPECTIVE AFFORDABLE HOUSING OBLIGATIONS

Offered By: Mayor Adjmi

Seconded By: Comm. Dweck

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”); and

WHEREAS, pursuant to Mount Laurel IV, the Borough of Allenhurst (the “**Borough**”) entered into a settlement agreement, dated February, 2023, with intervenors and Fair Share Housing Center (“**FSHC**”), seeking among other things, a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, that culminated in a Conditional Third Round Judgment of Compliance and Repose, dated May 13, 2024; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for low- and moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

WHEREAS, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 4 and a Prospective Need or New Construction Obligation of 25; and

WHEREAS, Section 3 of A4 provides “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

WHEREAS, the Borough's professionals, including legal counsel and affordable housing consultants, utilized the formulas established in sections 6 and 7 of A4 and have determined to accept the DCA estimate of need as described in the DCA Report; and

WHEREAS, A4 provides that a municipality shall adopt a binding resolution determining the present and prospective fair share obligation no later than January 31, 2025; and

WHEREAS, the Borough's calculation of need is entitled to a "presumption of validity" as it complies with Sections 6 and 7 of A4; and

WHEREAS, the Borough specifically reserves the right to adjust the Fourth Round Obligation calculated by DCA based the following adjustments or others identified during the process of promulgating a Fourth Round Housing Element and Fair Share Plan ("**4th Round HEFSP**"): 1) a "windshield survey" or similar survey which accounts for a lower estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); 4) an adjustment to the Land Capacity Factor; and/or 5) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of Borough of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging A4 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the "**Directive**"), implementing the Affordable Housing Dispute Resolution Program (the "**Program**"), a municipality seeking certification with the Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located; and

WHEREAS, the Borough authorizes the filing of a declaratory judgment action pursuant to the Directive within forty-eight hours after the adoption of this resolution to seek compliance with the Act; and

WHEREAS, the Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025; and

WHEREAS, in light of the above, the Borough finds it is in the best interest of the Borough to declare its Fourth Round Present and Prospective Need Obligations, authorize the filing of a declaratory judgment action pursuant to the Directive, and direct its professionals to prepare a 4th Round HEFSP, all in accordance with A4.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough's Fourth Round obligation is adopted as follows: a Present Need or Rehabilitation Obligation of 4 and a Prospective Need or New Construction Obligation of 25, as described above, and subject to all reservations of rights, including but not limited to:

- A. The right to adjust the number based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, variations in the Land Capacity Factor, and/or regional planning inputs; and
- B. The right to revoke this resolution in the event of a successful legal challenge to A4 or the Act, any legislative changes to A4 or the Act signed into law by the Governor, or to the calculations of Fourth Round Present or Prospective Obligations.

Section 3. The Borough authorizes its professionals to file a declaratory judgment action within forty-eight hours after the adoption of this resolution in order to comply with the Directive.

Section 4. The Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025.

Section 5. This resolution shall take effect immediately.

VOTE: Comm. Santoro-AYE; Comm. Dweck-AYE; Mayor Adjmi-AYE

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Resolution adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on January 14, 2025.



Donna M. Campagna, RMC
Borough Clerk/Administrator

RESOLUTION NO. 2025-42
RESOLUTION OF THE BOROUGH OF ALLENHURST
ESTABLISHING THE BOROUGH'S FOURTH ROUND PRESENT AND
PROSPECTIVE AFFORDABLE HOUSING OBLIGATIONS

Offered By: Mayor Adjmi

Seconded By: Comm. Dweck

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County NAACP v. Township of Mount Laurel (“Mount Laurel I”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“Mount Laurel II”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”); and

WHEREAS, pursuant to Mount Laurel IV, the Borough of Allenhurst (the “**Borough**”) entered into a settlement agreement, dated February, 2023, with intervenors and Fair Share Housing Center (“**FSHC**”), seeking among other things, a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, that culminated in a Conditional Third Round Judgment of Compliance and Repose, dated May 13, 2024; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for low- and moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

WHEREAS, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 4 and a Prospective Need or New Construction Obligation of 25; and

WHEREAS, Section 3 of A4 provides “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

WHEREAS, the Borough’s professionals, including legal counsel and affordable housing consultants, utilized the formulas established in sections 6 and 7 of A4 and have determined to accept the DCA estimate of need as described in the DCA Report; and

WHEREAS, A4 provides that a municipality shall adopt a binding resolution determining the present and prospective fair share obligation no later than January 31, 2025; and

WHEREAS, the Borough’s calculation of need is entitled to a “presumption of validity” as it complies with Sections 6 and 7 of A4; and

WHEREAS, the Borough specifically reserves the right to adjust the Fourth Round Obligation calculated by DCA based the following adjustments or others identified during the process of promulgating a Fourth Round Housing Element and Fair Share Plan (“**4th Round HEFSP**”): 1) a “windshield survey” or similar survey which accounts for a lower estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); 4) an adjustment to the Land Capacity Factor; and/or 5) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of Borough of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging A4 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough’s Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”), a municipality seeking certification with the Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located; and

WHEREAS, the Borough authorizes the filing of a declaratory judgment action pursuant to the Directive within forty-eight hours after the adoption of this resolution to seek compliance with the Act; and

WHEREAS, the Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025; and

WHEREAS, in light of the above, the Borough finds it is in the best interest of the Borough to declare its Fourth Round Present and Prospective Need Obligations, authorize the filing of a declaratory judgment action pursuant to the Directive, and direct its professionals to prepare a 4th Round HEFSP, all in accordance with A4.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough's Fourth Round obligation is adopted as follows: a Present Need or Rehabilitation Obligation of 4 and a Prospective Need or New Construction Obligation of 25, as described above, and subject to all reservations of rights, including but not limited to:

- A. The right to adjust the number based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, variations in the Land Capacity Factor, and/or regional planning inputs; and
- B. The right to revoke this resolution in the event of a successful legal challenge to A4 or the Act, any legislative changes to A4 or the Act signed into law by the Governor, or to the calculations of Fourth Round Present or Prospective Obligations.

Section 3. The Borough authorizes its professionals to file a declaratory judgment action within forty-eight hours after the adoption of this resolution in order to comply with the Directive.

Section 4. The Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025.

Section 5. This resolution shall take effect immediately.

VOTE: Comm. Santoro-AYE; Comm. Dweck-AYE; Mayor Adjmi-AYE

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Resolution adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on January 14, 2025.



Donna M. Campagna, RMC
Borough Clerk/Administrator

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-000178-25

Case Caption: IN THE MATTER OF ALLENHURST BORO

Case Initiation Date: 01/15/2025

Attorney Name: JESSICA C M ALMEIDA

Firm Name: MC MANIMON SCOTLAND & BAUMANN LLC

Address: 75 LIVINGSTON AVE SECOND FL

ROSELAND NJ 07068

Phone: 9736221800

Name of Party: PETITIONER : Borough of Allenhurst

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: AFFORDABLE HOUSING

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Borough of Allenhurst? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO **Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/15/2025

Dated

/s/ JESSICA C M ALMEIDA

Signed

Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX C – ORDER FIXING FOURTH ROUND OBLIGATION

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF ALLENHURST,
MONMOUTH COUNTY
PURSUANT TO P.L. 2024,
CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
MONMOUTH COUNTY
DOCKET NO. MON-L-178-25

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 15, 2025 (“DJ Complaint”) by the Petitioner, Borough of Allenhurst (“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 4 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 25 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 1st day of **APRIL, 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 4 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 25 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:



HON. LINDA GRASSO JONES, J.S.C.

(X) Uncontested.

*Pursuant to N.J.S.A. 52:27D-304.1, “[i]f the municipality meets th[e] January 31 [, 2025] deadline [for adoption of a binding resolution setting forth a determination of present and prospective fair share obligation for the fourth round], then the municipality’s determination of its obligation shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, as the municipality’s obligation for the fourth round, unless challenged by an interested party on or before February 28, 2025.” The municipality’s determination of its present and prospective fair share obligation for the fourth round was adopted prior to January 31, 2025 in accordance with N.J.S.A. 52:27D-304.1, and no challenge was filed in response thereto. A presumption of validity thus attaches to the determination made by the municipality that is set forth in the resolution adopted by the municipality and which is incorporated within this order.

Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX D – DEVELOPMENT FEE ORDINANCE #2025-06

ORDINANCE #2025-06

**AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO AMEND
CHAPTER 21, SECTION 4 ENTITLED “RESIDENTIAL
DEVELOPMENT FEES”**

Offered By: Mayor Adjmi

Seconded By: Comm. Dweck

WHEREAS, the Borough of Allenhurst (the “**Borough**”) in the County of Monmouth and State of New Jersey, has determined it is necessary to amend its Affordable Housing Development Fee Ordinance (“**Development Fee Ordinance**”); and

WHEREAS, In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-329.2; and

WHEREAS, the Borough has determined that certain revisions to the Development Fee Ordinance are necessary and proper in order to promote effective administration of the same; and

WHEREAS, prior to final adoption of the Development Fee Ordinance by the Borough Board of Commissioners, the Development Fee Ordinance shall be referred to the Planning Board for review, which shall transmit to the Board of Commissioners a report containing its recommendation concerning the Development Fee Ordinance, pursuant to N.J.S.A. 40:55D-26.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that the Borough Code of the Borough of Allenhurst, be and is hereby amended, revised and supplemented to revise the Affordable Housing Development Fees ordinance:

SECTION I. The Borough Code of the Borough of Allenhurst be and is hereby supplemented to amend Chapter 21, Section 4 entitled “Residential Development Fees” as follows:

21-4 Residential Development Fees:

a. Imposed Fees

1. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one- and one-half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
3. Development fees shall be imposed and collected when an existing residential structure undergoes a change to a more intense use, is demolished and replaced, when the number of bedrooms increases, the livable space is expanded (e.g. through the conversion of an unhabitable/unfinished basement, attic, garage etc. to livable space, pursuant to the definition found in Section 26-2.1 of the Borough Municipal Code), and/or when the square footage of the structure is increased in a way that is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- b. Eligible exactions, ineligible exactions and exemptions for residential development.
 - 1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on site construction of affordable units if permitted by ordinance shall be exempt from development fees.
 - 2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - 3. Owner occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
 - 4. Nonprofit organizations which have received tax exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
 - 5. Federal, state, county and local governments shall be exempted from paying a development fee.

SECTION II.: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION III.: INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION IV.: SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V.: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

VOTE: Comm. Santoro-AYE; Comm. Dweck-AYE; Mayor Adjmi-AYE

APPROVED: February 11, 2025

ADOPTED: February 25, 2025

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on February 25, 2025.

Donna M. Campagna, RMC
Borough Clerk/Administrator

Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX E – VACANT LAND ADJUSTMENT

Vacant Land Adjustment

Borough of Allenhurst
Monmouth County, New Jersey

May 29, 2025

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

Vacant Land Adjustment

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Monmouth County, New Jersey

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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12



McKinley Mertz, AICP, P.P. #6368

With contributing content by Brooke Schwartzman, Associate Planner & John Barree, AICP, PP

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Appendix A: Non-Contributing VLA Lots

EXECUTIVE SUMMARY

The New Jersey Fair Housing Act, at N.J.S.A 52:27D-307(c)(2), provides for an adjustment to the present and prospective fair share obligation of a municipality based on available vacant and developable land, infrastructure considerations, or historic factors.

While the Borough of Allenhurst did not participate in COAH's Prior Round, the Borough attempted to participate in the Third Round Certification process, drafting a Third Round Housing Element and Fair Share Plan in July 2009 that included a Vacant Land Adjustment (VLA); however, the plan was not adopted, nor did it receive Third Round Certification as the Third Round Rules were invalidated by the Court.

In the aftermath of Mount Laurel IV, the Borough did not immediately adopt a Third Round Housing Element and Fair Share Plan (HEFSP.) In 2023, in response to litigation, the Borough reached separate Settlement Agreements with Power Station, LLC, a prospective developer, and Fair Share Housing Center (FSHC.) The Borough's settlement agreement with FSHC, dated May 10, 2023, determined the Borough's fair share obligation and set forth compliance mechanisms for the Borough to address its obligation.

The Borough's Third Round Housing Element and Fair Share Plan was adopted on September 1, 2023, and the Borough received Conditional Third Round Judgement of Compliance and Repose (JOR) on May 13, 2024. The Third Round Plan included a VLA as part of the compliance mechanisms to identify the Borough's Realistic Development Potential (RDP.) As part of the compliance process, the Borough updated the VLA that was included in the HEFSP to clarify some discrepancies, which ultimately did not alter the analysis that identified an RDP of 27 units.

This report, which serves as a compliance mechanism for the Borough's Fourth Round HEFSP, reviews and updates the Third Round VLA to inventory the vacant land in Allenhurst that may be used to determine the Borough's Realistic Development Potential (RDP) to provide its fair share of low- and moderate-income housing. This report follows the procedure for conducting a Vacant land Adjustment (VLA) as detailed in N.J.A.C. 5:97-5.2.

This analysis confirms that there have not been any changes in circumstance since the Third Round VLA was prepared in 2023 and updated as part of the Borough's compliance submission in January 2025. The properties generating RDP in the Third Round have been planned for, and with no other vacant and developable land, Allenhurst's Fourth Round RDP is 0.

VACANT LAND ADJUSTMENT

A Vacant Land Adjustment, or VLA, is a process by which an initial list of potentially developable properties is curated. Then, through a series of investigatory steps outlined in N.J.A.C. 5:97 and explained in this report, lands that are revealed to be undevelopable are removed. The final product is a list of the remaining lots that evaded disqualification. These lots are then used to calculate a municipality's RDP.

DETERMINING PROPERTIES FOR CONSIDERATION

The analysis began by mapping all of the various land use categories within the Borough using the most recently available MODIV Tax Assessment database (2024). The database contained property class data for most parcels, but for those missing their classification, online tax records were used to fill in the blanks. This property class data was then translated into land use categories.

While the procedure detailed in N.J.A.C. 5:97-5.2 requires that single-family, two- to four-family, and other multi-family land uses be mapped as separate categories, the data provided by MODIV does not precisely break down into these categories. Rather, any land categorized as Residential (2) is considered to be one to four family uses, while any land categorized as Apartments (4C) is considered to be other multi-family uses.

The vacant land analysis then identified lots belonging to 4 types of property classes: vacant land (1), public property (15C), Church & Charitable Property (15D), Other Exempt Property (15F). Properties classified as Regular Farmland (3A) and Qualified Farmland (3B) were not examined as part of this analysis since the Borough does not have any property of these classifications. The lots belonging to these four property classes were considered in further review.

Since the Third Round VLA update was adopted in 2023 and updated as part of the compliance process in early 2025, the analysis undertaken herein is functionally reviewing and affirming that conditions have not changed.

ASSESSING DEVELOPABILITY

Pursuant to N.J.A.C. 5:97-5.2, parcels may be removed from consideration if they are permanently preserved as open space through the New Jersey Green Acres program, deed restriction, or conservation easement. Parcels may also be removed if they are historic and architecturally important sites listed on the State or National Register of Historic Places. As such, the parcels that met these criteria were removed.

Pursuant to N.J.A.C. 5:97-5.2, environmentally constrained lands may be removed from consideration. Environmentally constrained lands include those lands: located in or within 50' of wetlands, flood hazard constraints, located in or within 300' of Category 1 waterways, and with a 15% slope or steeper. Each property was evaluated to determine which, if any, environmental constraints were present, and how much of the property was constrained. The portion of each property not impacted by environmental constraints was calculated to determine "developable acreage".

ANALYZING LOT SIZE

After determining each eligible lot's developable acreage, that acreage is assessed for adequate sizing. Per the procedure outlined in the COAH Third Round substantive rules, which are still in effect for this purpose, developable lands are presumed to have a minimum density standard of 6 units per acre and a minimum affordable unit set aside of 20%. Some of the Township's residential zones permit densities

greater than 6 units per acre. The analysis of lot size was conducted using 6 units per acre as a baseline and then applying the permitted higher densities where applicable. Parcels with lot areas not able to generate at least 5 units based on the applicable densities were excluded from potentially developable land.

One exception to the lot sizing disqualification is when contiguous / adjacent properties are owned by the same entity. In these cases, the lots are treated as a single property. To the extent available, online tax record data was used to investigate side-by-side lots for common ownership. Once common ownership was factored in, any of the remaining parcels that were determined to have an inadequate lot size were removed.

THIRD ROUND RDP

Lots that were used to determine a municipality’s Third Round Realistic Development Potential (RDP) cannot be reapplied to calculate their Fourth Round RDP unless a change in condition has caused the site’s RDP to increase. None of the sites put towards the Allenhurst Third Round RDP have changed circumstances that would increase their RDP for purposes of the Fourth Round calculation.

The Allenhurst Third Round VLA, which was part of its adopted HEFSP and subsequently updated as a condition of compliance, generated an RDP of 27 based on the properties listed below. Four of the lots encompass the Main Street Redevelopment project that was the subject of the Borough’s settlement with Power Station, LLC, including a Borough owned property that is being used for the development of 23 units of affordable housing. Three other lots were determined to generate an additional RDP of 4.

Owner	Block	Lot	Property Location	Class	Total Acreage	Constrained Acreage	Unconstrained Acreage	Reasoning	RDP
Power Station at Allenhurst LLC	18	1	315 Hume Street	4A	2.200	0.000	2.200	Third Round RDP - Redevelopment	23
Power Station at Allenhurst LLC	21	5	500 Main Street	4A	0.757	0.000	0.757		
Power Station at Allenhurst LLC	21	6	523 Main Street	4B	0.504	0.012	0.493		
Boro of Allenhurst	31	3	Lake Drive	15C	2.597	1.060	1.537		
Boro of Allenhurst	21	1.01	412 Allen Avenue	15C	0.243	0.000	0.243	Third Round RDP	1
SJS Community Corp, C/O Tawil	21	8	527 Main Street	1	0.246	0.000	0.246	Third Round RDP	2
Hinz, Catherine M	30	1	300 Lake Drive	1	0.251	0.000	0.251	Third Round RDP	1
Third Round RDP									27

FOURTH ROUND RDP

The Borough reviewed its Third Round VLA, which was updated as recently as January 2025 to confirm there have not been any changes in preparation of the Fourth Round Housing Element and Fair Share Plan (HEFSP). The conditions of the properties identified in the Third Round have not changed, and because the

Third Round HEFSP addressed the RDP identified at that time, those properties are not applied again to the Fourth Round.

The VLA analysis did not identify any additional lots that generate a realistic development potential for the production of affordable housing units.

According to the most recent 5-Year American Community Survey (2019-2023) data, the Borough has 168 occupied housing units, since approximately half of the units are seasonal or occasional homes. There has been a long term trend of year-round population decline and increase in the number of seasonal homes in the Borough.

In addition, the Borough is almost entirely within a historic district that includes strict restrictions on demolition. Over the last decade, there have been 3 new residential units authorized by permits and 2 demolitions authorized. The Borough's housing stock is historic and the locations that are outside the historic district have already been zoned for inclusionary development through either the Main Street Redevelopment Plan or the Main Street Commercial District Overlay Zone.

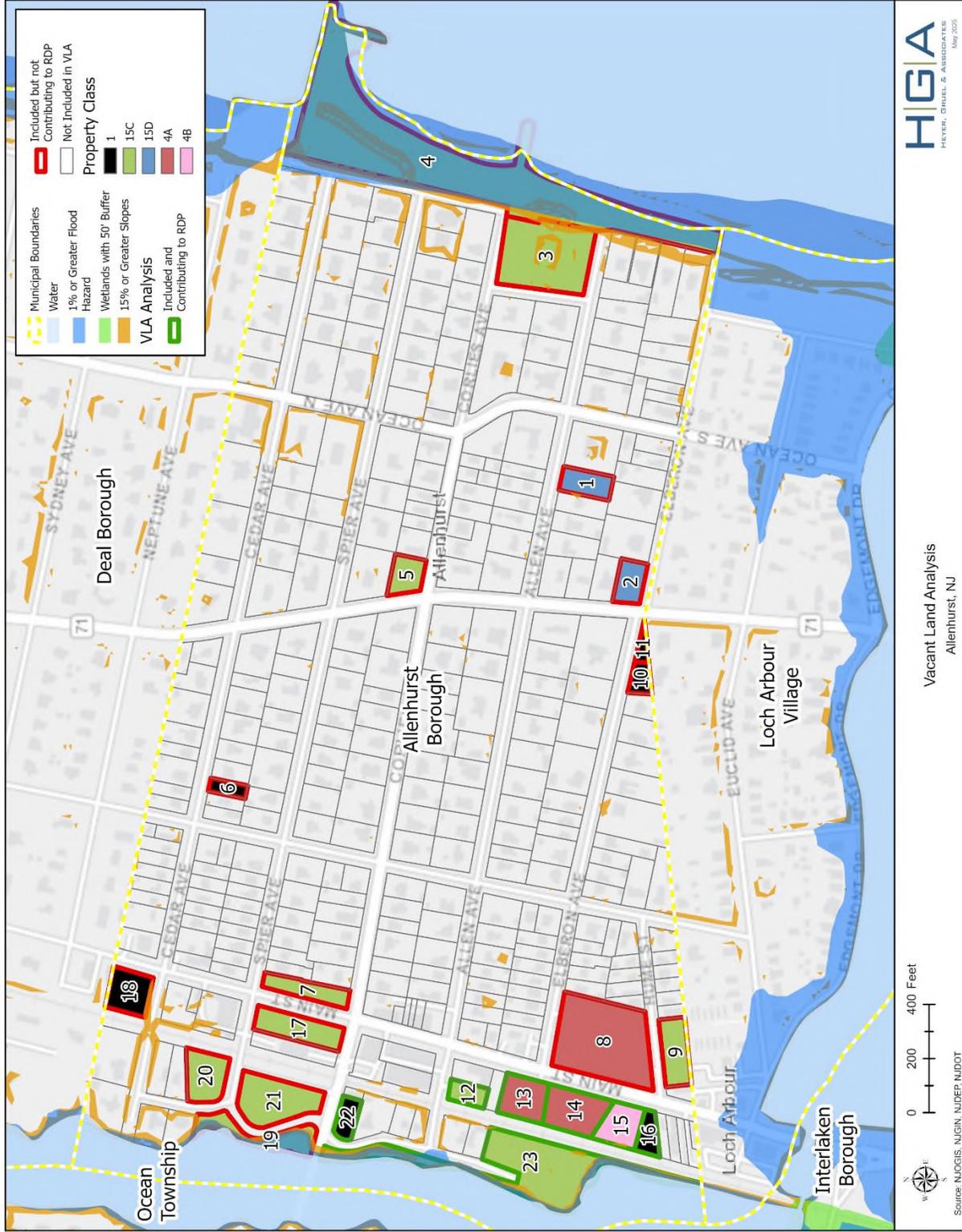
Based on the low number of existing occupied housing units in the Borough as more of the existing housing stock becomes seasonal homes, the lack of development activity over the past decade, the national, state, and local designated historic district with strict demolition controls encompassing all of the municipality except the Main Street corridor, and the recent implementation of a Redevelopment Plan for a portion of Main Street and an inclusionary overlay zone for the remainder there are no other sites that could be considered for development or redevelopment. There is no additional land that is likely to redevelop that has not already been planned for and zoned.

VLA FINDINGS AND CONCLUSIONS

The Fourth Round RDP for the Borough of Allenhurst is 0. The following map shows the existing land uses for the parcels analyzed, the environmental constraints considered in the analysis, and the Third Round RDP properties. The table that follows provides a comprehensive list of the Class 1 (Vacant), Class 15C (Public), Class 15D (Church and Charitable), and Class 15F (Other Exempt) parcels analyzed for the purpose of this report.

May 29, 2025

Borough of Allenhurst, Monmouth County
Fourth Round Vacant Land Adjustment



Borough of Allenhurst, Monmouth County
Fourth Round Vacant Land Adjustment

May 29, 2025

Map Key	Owner	Block	Lot	Property Location	Class	Total Acreage	Constrained Acreage	Unconstrained Acreage	Reasoning	RDP
1	Congregation Ohel Yishak INC	1	6	108 Allen Avenue	15D	0.391	0.000	0.391	Undersized (less than 0.83 ac)	0
2	St. Andrews	1	14	150 Elberon Avenue	15D	0.359	0.000	0.359	Undersized (less than 0.83 ac)	0
3	Boro of Allenhurst	3	2	1 Ocean Place	15C	1.890	0.272	1.618	Public Pool	0
4	Boro of Allenhurst	3	1	Beach	15C	7.038	6.891	0.147	Open Space	0
5	Boro of Allenhurst	6	11	125 Cortlies Avenue	15C	0.366	0.000	0.366	Administrative Building	0
6	Carley, Geraldine Greer	11	3	224 Cedar Avenue	15D	0.161	0.000	0.161	Undersized (less than 0.83 ac)	0
7	Boro of Allenhurst	13	1	East Side of Main Street	15C	0.458	0.000	0.458	Open Space	0
8	Power Station at Allenhurst LLC	18	1	315 Hume Street	4A	2.200	0.000	2.200	Third Round RDP - Redevelopment	-
9	Boro of Allenhurst	19	2	318 Hume Street	15C	0.552	0.000	0.552	Firehouse	0
10	Doherty, Rosemary (McFadden)	20	10	216 Elberon Avenue	1	0.190	0.000	0.190	Undersized (less than 0.83 ac)	0
11	Gindi, Harris & Marcelino	20	11	210 Elberon Avenue	1	0.099	0.000	0.099	Undersized (less than 0.83 ac)	0
12	Boro of Allenhurst	21	1.01	412 Allen Avenue	15C	0.243	0.000	0.243	Third Round RDP	1
13	JCP&L T/D/B/A GPU Energy-Tax Department	21	3	417-423 Main Street	4A	0.576	0.000	0.576	Public Utility	0
14	Power Station at Allenhurst LLC	21	5	500 Main Street	4A	0.757	0.000	0.757	Third Round RDP - Redevelopment	-
15	Power Station at Allenhurst LLC	21	6	523 Main Street	4B	0.504	0.012	0.493	Third Round RDP - Redevelopment	-
16	SJS Community Corp, C/O Tawil	21	8	527 Main Street	1	0.246	0.000	0.246	Third Round RDP	2
17	Boro of Allenhurst	23	1	Main Street	15C	0.674	0.000	0.674	Railroad Station	0
18	JCP&L T/D/B/A GPU Energy-Tax Department	25	1	89-99 Main Street	1	0.534	0.027	0.507	Undersized (less than 0.83 ac)	0
19	Boro of Allenhurst	27	3	Lake Drive	15C	0.653	0.502	0.151	Open Space	0
20	Boro of Allenhurst	28	3	Lake Drive	15C	0.593	0.000	0.593	Undersized (less than 0.83 ac)	0
21	Boro of Allenhurst	29	2	Lake Drive	15C	1.010	0.000	1.010	Open Space	0
22	Hinz, Catherine M	30	1	300 Lake Drive	1	0.251	0.000	0.251	Third Round RDP	1
23	Boro of Allenhurst	31	3	Lake Drive	15C	2.597	1.060	1.537	Third Round RDP - Redevelopment Total	23
									Third Round RDP	27



Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX F – DRAFT SPENDING PLAN

ALLENHURST BOROUGH

AFFORDABLE HOUSING TRUST FUND SPENDING

PLAN

Month XX, 2025
Approved by Board of Commissioners: Month XX, 2025

Allenhurst Borough
Monmouth County, New Jersey Prepared By:

Heyer, Gruel & Associates
Community Planning Consultants 236 Broad Street,
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(732) 741-2900

The original of this report was signed and sealed in
accordance with N.J.S.A. 45:14A-12

M. McKinley Mertz, AICP, P.P. #6368

Gabrielle Thurm, Associate Planner



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INTRODUCTION

Allenhurst Borough, Monmouth County has prepared and adopted a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301).

The Borough adopted a development fee ordinance on November 14, 2023, which requires and regulates the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund at a percentage of 1.5% for residential development fees and 2.5% for non-residential development fees. The ordinance was updated and adopted on February 25, 2025 to make the collection of development fees simpler by amending the conditions for development required to pay a development fee. The sections below outline the Borough's plan for the administration and use of collected development fee revenues as per the requirements of N.J.A.C. 5:93-5.1 (c).

A trust fund was established in early 2024, and since its inception, the Borough has collected a total of \$4,823 in development fees, payments in lieu of construction, interest, or other income. Allenhurst has not spent any money from the trust fund on administrative costs, housing activity, and affordability assistance.

All development fees, payments in lieu of constructing affordable units on site, interest generated by the fees as well as any other source of income are deposited into this separate, interest-bearing affordable housing trust fund for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93, or applicable regulations, as described in the sections that follow.

This Spending Plan is submitted for approval to expend all current and future affordable housing trust fund monies, as necessary, that will contribute to the development of new affordable housing units.





1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round “Substantive Certification,” Allenhurst Borough considered the following:

(a) Development fees

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL)

Actual and committed payments in lieu (PIL) of construction from developers.

(c) Other funding sources

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units.

(d) Projected interest

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

(e) Projected Revenues

Projected Revenues – Housing Trust Fund – 2025 through 2035				
	Current Balance	(a) Projected Development Fees:	(d) Interest	TOTAL
Trust Fund Balance	\$4,823	-	-	\$0
2025	-	\$40,000	\$180	\$40,180
2026	-	\$80,000	\$360	\$80,360
2027	-	\$80,000	\$360	\$80,360
2028	-	\$80,000	\$360	\$80,360
2029	-	\$80,000	\$360	\$80,360
2030	-	\$80,000	\$360	\$80,360
2031	-	\$80,000	\$360	\$80,360
2032	-	\$80,000	\$360	\$80,360
2033	-	\$80,000	\$360	\$80,360
2034	-	\$80,000	\$360	\$80,360
2035	-	\$40,000	\$180	\$40,180
TOTAL	\$4,823	\$800,000	\$3,600	\$808,423



To calculate the projection of revenue anticipated from the general development fees, 18 years (2008 through 2025) of construction data (for both residential and non-residential construction) for the Borough, acquired from the New Jersey Department of Community Affairs, was examined.

The Borough projects a total of \$800,000 will be collected between July 1, 2025 and June 30, 2035. An additional \$3,600 in interest is projected to be earned through 2035. Interest calculations are based on a historic average of the interest earned in the Borough's trust fund. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing. Including the existing trust fund balance, the Borough projects a total of \$808,423 through June 30, 2035.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Allenhurst Borough:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Allenhurst's development fee ordinance for both residential and non-residential developments.

(b) Distribution of development fee revenues:

The Administrative Agent and the Municipal Housing Liaison will manage the projects outlined in this Spending Plan and the Housing Element and Fair Share Plan.

The release of funds requires the adoption of a resolution by the governing body. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

(c) Collection and distribution of barrier free funds:

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance and in accordance with applicable regulations. A process describing the collection and distribution procedures for barrier free escrow is detailed within the Borough's Affordable Housing Ordinance.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The following sections represent the anticipated affordable housing expenditures within Allenhurst Borough, that will utilize trust fund monies.

(a) Rehabilitation and New Construction Programs and Projects (N.J.A.C. 5:93-8.16)

The Borough is actively advertising the Monmouth County Home Improvement Program to aid residents in applying for funds to rehabilitate their homes. However, Allenhurst will supplement the County funds with funds from the Borough's trust fund if needed.

As of the writing of this Plan, there are no specific projects planned for that would require funding from the Borough's trust fund. However, as new construction projects materialize, primarily any 100% affordable developments, the Borough will review any requests for funding, should the funds be available at the time of the request.

(b) Affordability Assistance (N.J.A.C. 5:93-8.16)

As per the requirements regarding the use of funds for affordability assistance laid out in N.J.A.C. 5:93-8.16, the Borough is required to dedicate at least 30% of all development fees collected and interest earned to provide affordability assistance to low-, and moderate-income households. In addition, at least one-third of the affordability assistance shall be used to provide affordability assistance to very-low income households.

The calculation of available affordability assistance funds is performed by considering the lifetime of the trust fund. To project the funding amount that is dedicated to affordability assistance, all actual expenditures spent on new construction activities as well as any rehabilitation activities from the inception of the fund are subtracted from the sum of the actual and projected development fees and interest. That total is multiplied by 30% to determine the 30% requirement. The actual affordability assistance expenditures from inception of the fund are then subtracted from the overall 30% requirement. This final outcome is the total remaining funds that must be dedicated to affordability assistance for the period moving forward.

The Borough has collected \$4,823 in development fees. The Borough projects \$800,000 in development fees and \$3,600 in interest through 2035.

The Borough has contracted with Acuity Consulting Services, LLC as their Administrative Agent. Once there are sufficient funds within the account, Acuity Consulting will establish the new affordability assistance program under updated rules in association with the Uniform Housing Affordability Controls.

Affordability Assistance Projection

Affordability Assistance		
Actual development fees collected, and interest earned through 05/08/2025		\$4,823
Projected Development Fees June 2025-2035	+	\$800,000
Projected Interest June 2025-2035	+	\$3,600
Less Housing Activity Through 05/08/2025	-	\$0
Total	=	\$808,4230
30 percent requirement	x 0.30=	\$241,080
<i>Minimum Affordability Assistance</i>	=	\$242,527
<i>Less Affordability Assistance Expenditures through 05/08/2025</i>	-	\$0
<i>Remaining Affordability Assistance Requirement</i>		\$242,527
<i>Minimum Very Low-Income Requirement</i>	÷ 3 =	\$80,842

(c) Administrative Expenses (N.J.A.C. 5:93-8.16)

No more than 20% of revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop and implement: a new construction program; a housing element; and an affirmative marketing program. Administrative funds may be used for: income qualification of households; monitor the turnover of sale and rental units; and compliance with monitoring requirements.

The calculation of allowable administrative expenses is performed by considering the lifetime of the trust fund. To project the funding amount that will be available for administrative costs, the sum of all development fees actually collected, and all interest earned since the inception of the account will be added to the sum of all projected development fees and interest projected to be collected through the remainder of this round. From this amount, any Regional Contribution Agreement (RCA) expenditures made or contractually obligated from the inception of the account are subtracted. This final amount is multiplied by 20% and then actual administrative expenditures made from inception is subtracted out. The final outcome of this calculation, as depicted in the following table, is the total remaining funds that will be available for administrative expenses through the end of this Round.

The Borough has collected \$4,823 in development fees. The Borough projects \$800,000 in development fees and \$3,600 in interest through 2035. The Borough has never taken part in an RCA. Allenhurst has not yet spent any trust fund money on administrative expenses.

Administrative Expenses		
Actual development fees collected, and interest earned through 05/08/2025		\$4,823
Projected Development Fees June 2025-2035	+	\$800,000
Projected Interest June 2025-2035	+	\$3,600
RCA expenditures	-	\$0.00
Total	=	\$808,423
20 percent maximum permitted on administrative expenses based on total projection	x 0.20 =	\$161,685
Less Administrative Expenditures through 5/08/2025	-	\$0
<i>Projected Allowed Admin. Expenditures</i>	=	\$161,685

Moving forward, the Borough projects that \$161,685 will be available from the affordable housing trust fund for administrative expenses for the time period of June 1, 2025 through June 30, 2035. Because the actual administrative expense maximum is calculated on an ongoing basis based on actual revenues, the Township shall be permitted to spend 20% of the actual balance at any given time on administrative fees. Money becomes available for administrative expenses as additional income is collected.

Projected administrative expenditures, subject to the 20 percent cap, include but are not limited to:

- Administration and expenses associated with the Township's affordable housing units;
- Expenses associated with the preparation and implementation of the Housing and Fair Share Plan and monitoring of the current and future housing programs for the Township of Harding;
- Affirmative Marketing;
- Income qualification; and
- Administration of the Township's affordable housing units.

Legal or other fees related to litigation opposing affordable housing sites are not eligible uses of the affordable housing trust fund.



4. EXPENDITURE SCHEDULE

Projected Expenditure Schedule – 2025 through 2035				
	New 100% Affordable Construction and / or Rehabilitation Projects	Affordability Assistance	Administration	TOTAL
2025	\$0	\$22,048	\$14,699	\$36,747
2026	\$0	\$22,048	\$14,699	\$36,747
2027	\$67,369	\$22,048	\$14,699	\$104,115
2028	\$67,369	\$22,048	\$14,699	\$104,115
2029	\$67,369	\$22,048	\$14,699	\$104,115
2030	\$67,369	\$22,048	\$14,699	\$104,115
2031	\$67,369	\$22,048	\$14,699	\$104,115
2032	\$67,369	\$22,048	\$14,699	\$104,115
2033	\$0	\$22,048	\$14,699	\$36,747
2034	\$0	\$22,048	\$14,699	\$36,747
2035	\$0	\$22,048	\$14,699	\$36,747
TOTAL	\$404,212	\$242,527	\$161,685	\$808,423

5. EXCESS OR SHORTFALL OF FUNDS

In the event funding sources as identified within this Spending Plan for the projects detailed in the Housing Element and Fair Share Plan prove inadequate to complete the affordable housing programs, the Township shall provide sufficient funding to address any shortfalls through bonding.

In the event that more funds than anticipated are collected or projected funds exceed the amount necessary to implement the Borough’s affordable housing projects, these excess funds will be used to fund eligible affordable housing activity pursuant to applicable rules and regulations.





SUMMARY

Allenhurst Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93 and consistent with the housing programs outlined in its adopted Housing Element and Fair Share Plan.

As of May 8, 2025 Allenhurst’s trust fund has a balance of \$4,823. The Borough anticipates an additional \$803,600 in revenues and interest by June 30, 2035. The Borough will expend:

- New 100% Affordable Construction and Rehabilitation: \$404,212 for new construction.
- Affordability Assistance: \$242,527 which includes \$80,842 for the very low-income requirement
- Administration: \$161,685

SPENDING PLAN SUMMARY	
Balance as of May 8, 2025	\$4,823
Projected REVENUE July 1, 2025 to December 31, 2035	
Development fees	+ \$800,000
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$3,600
TOTAL REVENUE + CURRENT BALANCE = \$808,423	
EXPENDITURES	
Funds used for New Construction/Accessory Apartments	- \$404,212
Affordability Assistance	- \$242,527
Administration	- \$161,685
Excess Funds for Additional Housing Activity	= \$0
TOTAL PROJECTED EXPENDITURES = \$808,423	
REMAINING BALANCE = \$0	



Borough of Allenhurst
Fourth Round Housing Element and Fair Share Plan

May 29, 2025

APPENDIX G – RESOLUTION ADOPTING AN AFFIRMATIVE FAIR HOUSING MARKETING PLAN #2025-61

RESOLUTION #2025-61
RESOLUTION ADOPTING AN AFFIRMATIVE FAIR HOUSING MARKETING
PLAN FOR THE BOROUGH OF ALLENHURST

Offered By: Mayor Adjmi

Seconded By: Comm. Dweck

WHEREAS, in accordance with New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to – 329 (“FHA”), the New Jersey Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 to -26.26), and the terms of a Settlement Agreement, dated May 10, 2023, by and between the Borough of Allenhurst and Fair Share Housing Center (“FSHC”), which was entered into in order to resolve a lawsuit entitled Power Station at Allenhurst, LLC v. Borough of Allenhurst, et al., Docket No. MON-L-2551-21, which was filed in response to Supreme Court decision In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Borough of Allenhurst is required to adopt an Affirmative Fair Housing Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 4, the Housing Region encompassing the Borough of Allenhurst, which includes Monmouth, Mercer, and Ocean Counties.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allenhurst, County of Monmouth, State of New Jersey as follows:

1. The Governing Body hereby adopts the Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4 in the form annexed hereto and made a part hereof.
2. All affordable units in the Borough of Allenhurst shall be marketed in accordance with the provision of this Resolution and the attached form of Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4 unless otherwise provided by law or regulation of the State of New Jersey.
3. The attached Affirmative Fair Housing Marketing Plan shall apply to all developments in the jurisdiction of the Borough that contain or will contain very low-, low-and moderate-income units, including those part of the Borough’s current Housing Element and Fair Share Plan and those that may be constructed in future developments, not yet anticipated by the Borough’s Housing Element and Fair Share Plan. This Affirmative Fair Housing Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.
4. All developers/owners of existing affordable housing units and their respective Administrative Agents shall amend their Affirmative Fair Housing Marketing Plan and comply with the regional marketing strategies set forth in this Resolution and the attached Affirmative Fair Housing Marketing Plan adopted by the Borough.
5. The Affirmative Fair Housing Marketing Plan shall be implemented by a qualified Administrative Agent under contract to the Borough or to a developer/owner of the affordable housing units, whose designation is approved by a Resolution of the Governing Body. All costs of advertising and affirmative marketing of affordable housing units shall be borne by the developer/seller/owner of the affordable housing

unit(s).

6. In implementing the Affirmative Fair Housing Marketing Plan, all Administrative Agents shall undertake, at a minimum, the following strategies:

a. Submission of one advertisement in a newspaper of general circulation throughout the entire Housing Region 4.

b. Broadcast of one advertisement by a radio station broadcasting throughout the entire Housing Region 4.

c. At least one additional regional marketing strategy using one of the other sources listed on the attached Affirmative Fair Housing Marketing Plan.

d. Provision of notice of available housing units to the following groups/organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN, Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, Trenton Branches of the NAACP, and the Supportive Housing Association.

e. Posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to do the same.

f. Contact all major employers throughout Region 4, as identified in the attached Affirmative Fair Housing Marketing Plan, to post advertisements and distribute flyers regarding available affordable housing.

g. Compliance with all requirements set forth in the FHA with regard to the affirmative marketing of affordable housing units.

7. The Affirmative Fair Housing Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital, or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Fair Housing Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in the region. It is a continuing program that directs all marketing activities towards the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Allenhurst is located in Housing Region 4, consisting of Monmouth, Mercer and Ocean Counties.

8. The Affirmative Fair Housing Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following minimum requirements:

a. All newspaper articles, announcements, advertisements, and requests for applications for very low-, low-, and moderate-income units shall be submitted in the Asbury Park Press.

b. The primary marketing shall take the form of at least one press release and a paid display advertisement submitted to the Asbury Park Press at the start of the affirmative marketing process. Additional advertising and publicity shall be on an "as needed" basis. All press releases and advertisements shall be approved in advance by the Administrative Agent designated for the affordable housing units. The developer/owner shall disseminate all public service announcements and pay for display advertisements.

The developer/owner shall provide proof of publication to the Administrative Agent designated for the affordable housing units.

- c. All advertisements shall include at a minimum a description which includes:
 - i. The location of the units;
 - ii. Directions to the units;
 - iii. Range of prices for the units;
 - iv. Size of units as measured in number of bedrooms;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees, if any.
- d. Newspaper articles, announcements, and information on where to request applications for very low-, low-, and moderate-income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Monmouth County and the other two of which shall be circulated primarily outside of Monmouth County but within Housing Region 4.
- e. Applications, brochures, signs and/or posters used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Borough Municipal Building;
 - ii. Borough Public Library;
 - iii. Borough Website;
 - iv. Monmouth County Library Headquarters;
 - v. Mercer County Library Headquarters;
 - vi. Ocean County Library; and
 - vii. Developer's Sales/Rental Office.
- f. Applications shall be mailed by the Administrative Agent designated for the affordable housing units to prospective applicants upon request.
- g. Applications shall also be available at the Developer's sales/rental office and shall be mailed by the Developer to prospective applicants upon request.
- h. The Administrative Agent shall develop, maintain, and update a list of community contact person(s) and/or organization(s) in Monmouth, Mercer, and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including the groups/organizations and major regional employers identified in the Allenhurst Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4, attached hereto and made a part of this Resolution.
 - i. Quarterly informational flyers and applications shall be sent to each the of the following agencies for publication in their journals and for circulation among their members: Monmouth, Mercer, and Ocean Board of Realtors;
 - ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Monmouth, Mercer, and Ocean Counties:
 - Welfare or Social Service Board;
 - Office on Aging or Division of Senior Services;
 - Housing Authority;
 - Community Action Agencies; and

Community Development Departments

iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all major regional employers identified on the Allenhurst Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4, attached hereto and made a part of this Resolution.

i. A random selection method to select occupants of very low-, low- and moderate-income housing units will be used by the respective Administrative Agent designated for the affordable housing units in conformance with N.J.A.C. 5:80-26.16. The Affirmative Fair Housing Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4 comprised of Monmouth, Mercer, and Ocean Counties.

j. The respective Administrative Agent for affordable housing units shall administer the Affirmative Fair Housing Marketing Plan. The respective Administrative Agent has the responsibility to income qualify very low-, low-, and moderate-income households; to place income eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low-, low-, and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low-, and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan, if applicable, as per the FHA.

k. Whenever appropriate, the respective Administrative Agent for affordable housing units shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements, and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

l. All developers/owners of very low-, low- and moderate-income housing units in the Borough shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

m. The implementation of the Affirmative Fair Housing Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Fair Housing Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Fair Housing Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Fair Housing Marketing Plan for every new affordable development in Allenhurst that is subject to the FHA. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Fair Housing Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the review and approval of the Borough's Administrative Agent.

n. The respective Administrative Agent shall provide the Municipal Housing Liaison for the Borough of Allenhurst with the information required to comply with monitoring and reporting requirements pursuant to the FHA.

o. A copy of this Resolution and the attached Allenhurst Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4 shall be provided to all designated

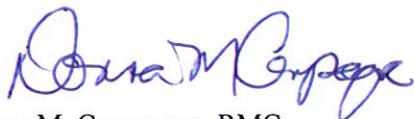
Administrative Agents for existing affordable housing units in the Borough and to all developers/owners of future affordable housing units.

p. This Resolution shall take effect immediately.

VOTE: Comm. Santoro-AYE; Comm. Dweck-AYE; Mayor Adjmi-AYE

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Resolution adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on February 25, 2025.



Donna M. Campagna, RMC
Borough Clerk/Administrator