

MAY 2025

THIRD ROUND & FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF BRIELLE | MONMOUTH COUNTY, NEW JERSEY

MAY 2025

**PRIOR ROUND, THIRD ROUND & FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

ADOPTED BY THE PLANNING BOARD: MAY 13, 2025

ENDORSED BY THE MAYOR & COUNCIL:

PREPARED BY:



KENDRA LELIE, PP, AICP, LLA

NEW JERSEY PROFESSIONAL PLANNER LICENSE #5537

KYLE + MCMANUS ASSOCIATES

A SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE BOROUGH CLERK

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INTRODUCTION & EXECUTIVE SUMMARY

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I”, New Jersey municipalities have had a constitutional obligation to provide opportunities for the creation of low and moderate housing units. This 1975 decision led to a body of case law, legislative changes, and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel doctrine”. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation to have “satisfied” their constitutional obligation, commonly referred to as their affordable housing obligation. The purpose of this Prior Round, Third Round and Fourth Round Housing Element and Fair Share Plan is to present how Brielle Borough will address its affordable housing obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for very-low-, low-, and moderate-income households for a minimum of 30 years and for Fourth Round rental units, 40 years, and it is typically enforced by a deed restriction. Each affordable unit is eligible for one “credit” against the obligation and certain units are eligible for “bonus credits”, which provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very-low-, low- and moderate-income units – and diversity in the size of affordable units – meaning one-, two- and three-bedroom units.

Participation in this process is voluntary, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily. However, our laws heavily incentivize voluntary compliance. Municipalities that do not voluntarily comply may be vulnerable to “builder’s remedy” litigation. A builder’s remedy is a litigation tool to compel the municipality to include a builder’s site in the Fair Share plan. However, to secure such a remedy, the developer must “succeed in litigation”, provide a “substantial” affordable housing set-aside and the developer’s “proposed project” must not clearly violate “sound land use planning”. The Supreme Court’s desire to ensure that developers who provide affordable housing do so in accordance with sound planning, which is a pillar of the Mount Laurel doctrine.

The Housing Element and Fair Share Plan

In accordance with the Fair Housing Act (as amended) this Housing Element and Fair Share Plan includes the following:

- 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 (10) 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; and
- 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 of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- f. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to providing 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. 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.

Items a through d are included as an appendix item and items e through h are included in the body of this Fair Share Plan.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey's FHA as a dwelling, either for sale or rent, which is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Brielle Borough is in Region 4, which includes Mercer, Monmouth, and Ocean counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. Very-low-income households are a subset of "low-income" households and are defined as those with incomes 30% or less than the regional median income.

Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3, et seq., requires that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable to households with incomes no greater than 52% of

the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income uses the federal income limits established by Department of Housing and Urban Development (hereinafter "HUD") on an annual basis. In the spring of each year, HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. Said income limits post Mount Laurel IV are now set by Court Order.

To update income limits, the Borough will rely on the Order entered for all of Monmouth County on April 18, 2019, by the Monmouth County Superior Court, which establishes the criteria to follow annually update income limits.

Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, excluding those which income limits are already established through a federal program, shall be updated by the Borough as HUD publishes median incomes and income limits as follows:

- Regional income limits shall be established for the region that the Borough is located within (i.e., Region 4) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four (4) is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four (4).
- The income limit for a moderate-income unit for a household of four (4) shall be 80% of the regional weighted average median income for a family of four (4). The income limit for a low-income unit for a household of four (4) shall be 50% of the HUD determination of the regional weighted average median income for a family of four (4). The income limit for a very low-income unit for a household of four (4) shall be 30% of the regional weighted average median income for a family of four (4). These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to the methodology outlined above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

For 2024, the Affordable Housing Professionals of New Jersey (“AHPNJ”) and Fair Share Housing Center (FSHC) have jointly developed updated income limits for all housing regions in New Jersey, which were calculated using the methodology outlined above. As approved by the Court, these income limits for Region 4 will be utilized for Brielle. See Table 1 for 2024 income limits for Region 4.

Table 1: 2024 Income Limits for Region 4					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Moderate	\$72,830	\$83,234	\$93,639	\$104,043	\$112,367
Low	\$45,519	\$52,022	\$58,524	\$65,027	\$70,229
Very Low	\$27,311	\$31,213	\$35,115	\$39,016	\$42,137
Source: 2024 Income Limits prepared by Affordable Housing Professionals of New Jersey.					

The following tables provide illustrative sale prices and gross rents for **2024**. The sample rents and sale prices are illustrative and are gross figures, which do not account for the specified utility allowances for rental units or for specific mortgage rates, taxes, etc. for sales units.

Table 2: Illustrative 2024 Affordable Gross Rents for Region 4			
Household Income Levels (% of Median Income)	1-Bedroom Unit Rent	2-Bedroom Unit Rent	3-Bedroom Unit Rent
Moderate	\$2,060	\$2,475	\$2,850
Low	\$1,280	\$1,545	\$1,785
Very Low	\$770	\$925	\$1,071
Source: 2024 Affordable Housing Pricing Calculator: Affordable Housing Calculator prepared by Affordable Housing Professionals of New Jersey.			

Table 3: Illustrative 2024 Affordable Sales Prices for Region 4			
Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate	\$190,029	\$229,913	\$267,137
Low	\$133,053	\$161,541	\$188,130
Very Low	\$118,909	\$144,448	\$168,378
Source: 2024 Affordable Housing Pricing Calculator: Affordable Housing Pricing Calculator prepared by Affordable Housing Professionals of New Jersey.			

PRESENT AND PROSPECTIVE NEED OBLIGATIONS

The fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). The new construction component consists of the Prior Round obligation (calculated by the Council on Affordable Housing – “COAH”), the Third Round obligation (calculated in response to a Mercer County Superior Court decision) and the Fourth Round obligation (calculated by the DCA). Pursuant to the Amended Fair Housing Act (FHA), the NJ State Department of Community Affairs (DCA) was required to calculate the Fourth Round rehabilitation (present need) and prospective need obligations for municipalities within the State. The amended FHA entitled municipalities to commit to a different number if they so chose consistent with the standards set forth in the Amended Fair Housing Act and gave interested parties an opportunity to challenge the number to which the municipality committed. After the review of the DCA methodology for the Fourth Round present and prospective need obligations, the Borough determined that the DCA calculation was correct and adopted the DCA calculations for present and prospective need for the Fourth Round.

With this overview , the Borough’s obligations can be summarized as follows:

Rehabilitation Obligation: 0 units

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units occupied by low- and moderate-income households.

Prior Round Obligation (Rounds 1 and 2): 159 units

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation.

Third Round Obligation: 195 units

The Third Round obligation can be defined as the cumulative 1999 through 2025 new construction affordable housing obligation. This includes the “gap present need” from 1999 through 2015 and the “prospective need” from 2015 through June 30, 2025, according to a trial court opinion authored by Judge Jacobson and referenced in the Amended FHA . See In re Mun. of Princeton, 480 N.J. Super. 70, 91 (Law Div. 2018).

Fourth Round Obligation: 65 units

The Fourth Round obligation can be defined as the cumulative July 1, 2025, through June 30, 2035, new construction affordable housing obligation. The October 18, 2024 DCA Report identified the Borough’s Fourth Round prospective need obligation as 65.

Vacant Land and Realistic Development Potential Analysis

If there is a lack of sufficient land to meet the new construction obligation, a municipality is entitled to rely on COAH regulations to adjust the new construction obligation downward pursuant to N.J.S.A 52:27D-311 (m). The adjusted number is known as the realistic development potential (RDP). The RDP represents the portion of the new construction affordable housing obligation that can theoretically be addressed with inclusionary development (defined as a mix of market and affordable units) on lots identified as being suitable in the Vacant Land Analysis (“VLA”). The portion of the new construction obligation for which there is insufficient land is known as the “unmet need”. The unmet need is calculated as the difference between the total new construction obligation and the RDP.

The Borough undertook a current vacant land analysis which supports an RDP of 24 units as shown in the Table below.

Parcel ID	Address	Block/Lot	Gross Lot Area (Acres)	Net Lot Area (Acres)	RDP Density (Du/acre)	Total Units	RDP	Notes
1	616 Union Lane	11/9	1.933	1.933	6	11	2	
2	Rathjen Road	62.02/3	6.69	6.69		25	5	Mumford Builders Remedy site
3	Route 70 and Tamarack Dr	104.01/7.02 120/13.01&15	4.166	4.166	12	50	10	
4	628 Higgins Ave	66.01/2	1.3	1.3			3	Builders remedy settlement (M&D)
5	403 Higgins Ave	77.01/4&5	1.66	1.66	12	20	4¹	Builders remedy site (Hightide)
Total RDP							24	

¹ The site can reasonably accommodate 20 units in accordance with sound land use planning. However, if the site cannot be developed in accordance with sound land use planning at this density or one acceptable to the Borough and still create a realistic opportunity for the construction of affordable housing, it should not generate an RDP.

Unmet Need Determination

The Borough's vacant land adjustment resulted in a combined Prior Round, Third Round and Fourth Round RDP and unmet need as follows:

- RDP:24
- Unmet Need: 395

The Borough is implementing a comprehensive plan that provides for a mix of housing types including family rental and special and supportive needs units that address the RDP and the Unmet Need. Since different standards apply to the Fourth Round Unmet Need obligation than to obligations for prior rounds, this plan will discuss those standards when discussing how to satisfy them below.

HOUSING ELEMENT AND FAIR SHARE PLAN

This Prior Round, Third Round and Fourth Round Housing Element and Fair Share Plan has been prepared to supersede and replace the March 2023 Housing Element and Fair Share Plan (Plan) adopted by the Planning Board on March 14, 2023. While the plan was adopted, the Borough did not submit the plan to Superior Court under a Declaratory Judgment Action and therefore did not have immunity from builder's remedy lawsuits.

Consideration of Affordable Housing Options

Three (3) builder's remedy lawsuits were filed after the March 2023 Plan was adopted. They include the following:

- M&D Two, LLC (Docket No. MON-L-1128-22: MON-L-897-23): Block 66.01, Lot 2
 - The Borough settled this case with the developer, adopted a Redevelopment Plan for the property and is including the site as a mechanism to address the Borough's affordable housing obligation towards the Realistic Development Potential (RDP). The development project will include three (3) affordable family rental units and is also eligible for three (3) bonus credits. Six (6) total credits will be applied to the RDP. Having secured the relief it sought amicably, the plaintiff had no reason to litigate and dismissed its lawsuit with prejudice.
- Hightide Brielle, LLC (Docket No. MON-L-1844-24): Block 77.01, Lots 4&5
 - The Borough is currently in settlement negotiations with this developer. The developer's complaint seeks approval of 101 total units with 16 units set aside as affordable to low- and moderate-income households. This proposed project would require the Borough to rezone the site at a density of 63 dwelling units per acre. The proposed project is clearly contrary to sound land use planning. Nonetheless, the Borough is willing to include the site within a future Higgins Avenue Corridor Redevelopment Plan and to zone the site at

a density consistent with the M & D site, also located on Higgins Avenue because the site could be developed in accordance with sound planning at that density.

- Roger Mumford Homes at Brielle, LLC (Docket No.): Block 62.02, Lot 3 and Block 62.02, Lot 7
 - The Borough is currently in settlement negotiations with this developer. This site will be included as a mechanism to address a portion of the Borough's RDP obligation. The development project will provide two (2) affordable family rental units and two (2) units with one unit with three (3) bedrooms and one unit with four (4) bedrooms for individuals with special needs. This project will yield a total of nine (9) credits, two (2) for the family rental units and seven (7) for the special needs bedrooms. In addition, the project is eligible for three (3) bonus credits. Twelve (12) total credits are attributable to this development project.

As part of this HEFSP, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. Although the Borough has limited available and developable land, the Borough successfully satisfied its affordable housing obligation using the vacant land adjustment process and a variety of zoning mechanisms that will create low- and moderate-income housing.

While the Borough recognizes that developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional sites are not needed to satisfy the adjusted obligation at this time.

The Third Round Compliance Process

On March 10, 2015, the New Jersey Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities could no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities had to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Adjudicator to the Court, review municipal plans in accordance with the established COAH regulations.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, it ordered the trial courts to determine the obligation. However, the New Jersey Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld, as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing

elements and fair share plans. This plan is prepared in response to and in compliance with the March 10, 2015, New Jersey Supreme Court decision.

The Fourth Round Compliance Process

On March 20, 2024, Governor Murphy signed an amendment to the Fair Housing Act into law (“Amended FHA”) that created new procedures and laws. Pursuant to the Amended FHA, by January 31, 2025, municipalities adopted a “binding resolution”; and filed a declaratory relief lawsuit with the Court and “the Program”. In addition, the municipality must file a Housing Element and Fair Share Plan with the Court and Program by June 30, 2025, and comply with a series of other requirements.

The Borough took the first step required by the Amended FHA by adopting the binding resolution and filing the declaratory relief action to establish the Fourth Round obligation. The Borough and the Planning Board will continue to comply with applicable law.

Satisfaction of the Affordable Housing Obligation

The Borough is addressing its affordable housing obligation through a variety of mechanisms including proposed inclusionary housing projects, a 100% affordable housing project and redevelopment zones to address the new construction obligation.

Realistic Development Potential

The Borough is addressing an RDP obligation of 24 units with a mix of unit types including approved and proposed projects throughout the Borough.

The affordable housing rules require municipalities to designate sites that are “suitable, approvable, available and developable”, as defined in N.J.A.C. 5:93-1. These terms are defined as follows:

- *Suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.*
- *Approvable site means a site that may be developed for low and moderate income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. A site may be approvable although it is not currently zoned for low and moderate income housing.*
- *Available site means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.*
- *Developable site means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the waste management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by the NJ Department of Environmental Protection.*

M&D Site: 628 Higgins Avenue (Zoned)***3 family rental units and 3 rental bonus credits: 6 total credits***

On October 14, 2024, the Borough Council approved the Redevelopment Plan which permits a 20-unit family rental project of which three (3) units will be deed restricted for low- and moderate-income families on Block 66.01, Lot 2 located at 628 Higgins Avenue. The three (3) affordable family rental units shall consist of one (1) three-bedroom unit and two (2) two-bedroom units. The project is eligible for three (3) family rental bonus credits. The proposed development project supports sound planning principles in terms of density (15 du/acre), massing (3 stories), architectural character and a general site layout that is consistent with the surrounding neighborhood character. The Borough found this project to be appropriate and suitable for the site.

The site provides a realistic opportunity for affordable housing in compliance with COAH's Prior Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93- 5.6 for inclusionary development. The specific regulations are addressed below:

- The site is suitable. The site has frontage along Higgins Avenue to the south and Route 35 to the north. However, access to the site is from Higgins Avenue only. The Brielle public school is located to the north on the other side of Route 35. Multi-family residents are located to the east of the site and commercial uses are located to the south of the site. A Borough owned parcel used to accommodate stormwater runoff from Route 35 is located to the west of the site.
- The site is approvable. The 2001 Adopted State Plan Map designate the property as being in Metropolitan Planning Area (PA 1), making it a preferred location for affordable housing development. The site falls within the jurisdiction of CAFRA and will be required to conform with all applicable regulations. The site is zoned for inclusionary housing.
- The site is available. The site is owned by the developer. There is no knowledge that the site has known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.
- The site is developable. There are no known contaminated facilities on the property. There are no wetlands or Category One streams on the site and the site is not within a flood plain area. The site is within the South Monmouth Regional sewer service area, and the Borough has indicated it has sufficient infrastructure and capacity to serve the proposed project.

Roger Mumford Homes at Brielle: Rathjen Road (Proposed)***2 family rental units and 7 special needs bedrooms and 3 rental bonus credits: 12 total credits***

The developer is proposing a 25-unit family project of which two (2) family rental units will be deed restricted for low- and moderate-income families and two (2) units with four (4) bedrooms each will be deed restricted for individuals with special needs on Block 62.02, Lot 3 and Block 62.02, Lot 7. The project is eligible for three (3) rental bonus credits for the two (2) family rental units and one (1) special needs bedroom. The proposed development project supports sound planning principles in terms of density (3.7 du/acre), massing (2 stories), architectural character and a general site layout that is compatible with and respects the surrounding neighborhood character. In addition, the developer is providing a 36% setaside of affordable housing units which is substantial. The Borough found this project to be appropriate and suitable for the site.

The site provides a realistic opportunity for affordable housing in compliance with COAH's Prior Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93- 5.6 for inclusionary development. The specific regulations are addressed below:

- The site is suitable. The site has frontage along Rathjen Road to the south and Route 35 to the north. However, access to the site is from Rathjen Road only. The Greenwood Cemetery is located to the north on the other side of Route 35. Multi-family dwellings are located to the east of the site and single-family dwellings are located to the west and south of the site.
- The site is approvable. The 2001 Adopted State Plan Map designate the property as being in Metropolitan Planning Area (PA 1), making it a preferred location for affordable housing development. The site falls within the jurisdiction of CAFRA and will be required to conform with all applicable regulations. The site will be zoned for inclusionary housing.
- The site is available. The site is owned by the developer. There is no knowledge that the site has known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.
- The site is developable. There are no known contaminated facilities on the property. There are no Category One streams on the site and the site is not within a flood plain area. While there is a small isolated wetlands area to the southwest corner of the site, the developer is not proposing to disturb the wetlands but will need a permit from the NJDEP for a wetlands buffer averaging proposal due to the disturbance of the wetlands buffer

for the proposed entrance drive. The presence of wetlands does not impede the development proposal. The site is within the South Monmouth Regional sewer service area, and the Borough has indicated it has sufficient infrastructure and capacity to serve the proposed project.

Municipal Building Site: 100% Affordable Housing Project (Proposed)

5 family rental units

The Borough owns Block 66.03, Lot 20, which is approximately 1.4 acres and is located on the southwest corner of Union Lane and Route 71 (Union Avenue). The Borough will enter into a developer's agreement with a non-profit developer and work to create one structure on a portion of the lot and provide for five (5) family rental units. The Borough intends to redevelop the site with a new municipal building and provide an area along the southern property line for the construction of one structure that will accommodate five (5) family rental units. The site provides a realistic opportunity for affordable housing in compliance with COAH's Prior Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93- 5.5 for municipally sponsored and 100% affordable programs. The specific regulations are addressed below:

- ✓ Site Control – The Borough owns the site and will lease a portion of the parcel to a non-profit developer of affordable housing.
- ✓ Suitable Site – The site is suitable as defined in COAH's regulations at N.J.A.C. 5:93-1.3, which indicates that a suitable site is one in which it is adjacent to compatible uses, has access to appropriate streets and is consistent with environmental policies in N.J.A.C. 5:93-4.
 - *The site has a clear title and is free of encumbrances that precludes development of affordable housing.* To the Borough's knowledge, the parcel has a clear title and no legal encumbrance that would preclude their development for affordable housing.
 - *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has adequate access to Route 71. The Brielle Elementary School is located to the west, the new municipal building will be located to the north and commercial/office uses are located to the south of the site. Single-family home are located across Route 71 to the east.
 - *Adequate sewer and water capacity are available.* The site is within the South Monmouth Regional sewer service area. According to the Borough Engineer, both water and sewer infrastructure and capacity are available.
 - *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

- *The site is located in a “Smart Growth Planning Area.”* The site is located in PA1 (Metropolitan Planning Area) which is the preferred location for redevelopment for compact growth. The development of the site is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into existing “centers” where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.
- *The location of the site as it relates to a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, Highlands, Meadowlands and CAFRA planning areas.
- *The site will comply with all applicable environmental regulations.* There are no wetlands, floodplains or Category One streams present on the site.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic or architecturally important sites or buildings on the parcel or in the immediate vicinity that will affect the development of affordable housing.
- ✓ **Developable Site** – In accordance with N.J.A.C. 5:93-1.3, a developable site has access to appropriate sewer and water infrastructure and is consistent with the areawide water quality management plan. The sites are in the South Monmouth Regional sewer service area and water and sewer mains are accessible. The Borough Engineer confirmed that the Borough’s sewer and water system has sufficient capacity to accommodate the multi-family residences.
- ✓ **Approvable Site** – Pursuant to N.J.A.C. 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The site is approvable and will be developed in accordance with Borough, County and State regulations.
- ✓ **Administrative Entity** – The Borough will enter into an agreement with an experienced Administrative Agent to administer the Borough’s affordable housing units pursuant to COAH’s regulations. For the proposed Third Round affordable units, the Borough’s Administrative Agent or the developer of the 100% project will affirmatively market the units, income qualify applicants, place 30-year affordability control deed restrictions on the units and provide long-term administration of the units in accordance with COAH’s rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1, or any successor regulation, with the exception that in lieu of 10% affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income.
- ✓ **Low/Moderate Income Split** – At least half of all the affordable units developed at the site will be affordable to low-income households (13% of all affordable units will be very low-income)

and an odd number of affordable units will always be split in favor of the low-income unit per UHAC at N.J.A.C. 5:80-26.1.

- ✓ Affirmative Marketing – The Borough’s Administrative Agent or the developer of the 100% projects will affirmatively market the units in accordance with UHAC per N.J.A.C. 5:80-26.1.
- ✓ Controls on Affordability – The Borough’s agreement with the developer of the sites will require a minimum 30-year affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.
- ✓ Bedroom Distribution – The units controlled by the developer of the 100% projects will be required to be developed in accordance with UHAC requirements regarding bedroom distribution in accordance with N.J.A.C. 5:80-26.1.
- ✓ Funding – The Borough and the developer will execute an agreement that in exchange for a deed restriction of at least 30 years, the Borough will provide the parcel as a municipal contribution toward the construction of the affordable housing development projects. The developer will also look to potential funding from sources including but not limited to DCA Balanced Housing funds, Monmouth County HOME funds, Federal Home Loan Bank funds, and/or HMFA bond financing. The Borough will adopt a resolution of intent to bond for any shortfall in funding the Municipally Sponsored Affordable Housing Construction Program.
- ✓ Construction Schedule – The Borough anticipates the beginning of construction to occur within 2 years of the Judgment of Repose and Compliance.

Borrie Avenue: 100% Affordable Housing Project (Proposed)

2 family for-sale units

The Borough owns Block 15.01, Lot 7, which is approximately 0.26 acres and is located on the north side of Borrie Avenue. The Borough will enter into a developer’s agreement with a non-profit developer and work to provide for two (2) family for-sale units. Development of a two-family home shall comply with the existing R-3 zoning district regulations. An ordinance will be proposed to permit a two-family home on this property specifically.

The site provides a realistic opportunity for affordable housing in compliance with COAH’s Prior Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93- 5.5 for municipally sponsored and 100% affordable programs. The specific regulations are addressed below:

- ✓ Site Control – The Borough owns the site and will convey the parcels to a non-profit developer of affordable housing.
- ✓ Suitable Site – The site is suitable as defined in COAH’s regulations at N.J.A.C. 5:93-1.3, which indicates that a suitable site is one in which it is adjacent to compatible uses, has access to appropriate streets and is consistent with environmental policies in N.J.A.C. 5:93-4.

- *The site has a clear title and is free of encumbrances that precludes development of affordable housing.* To the Borough's knowledge, the parcel has a clear title and no legal encumbrance that would preclude their development for affordable housing. While there are some allegations that the lot may not be available, based upon the opinion of the Borough attorney, the lot is available to support two (2) family for-sale units.
 - *The site is adjacent to compatible land uses and has access to appropriate streets.* The sites are surrounded by single-family dwelling units and the Borough Park is located to the south of the site. In addition, the Brielle Elementary School and public transportation are located within 0.25 miles of the site.
 - *Adequate sewer and water capacity are available.* The site is within the South Monmouth Regional sewer service area. According to the Borough Engineer, both water and sewer infrastructure and capacity are available.
 - *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
 - *The site is located in a "Smart Growth Planning Area."* The site is located in PA1 (Metropolitan Planning Area) which is the preferred location for redevelopment for compact growth. The development of the site is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into existing "centers" where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.
 - *The location of the site as it relates to a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, Highlands, Meadowlands and CAFRA planning areas.
 - *The site will comply with all applicable environmental regulations.* There are no wetlands, floodplains or Category One streams present on the site.
 - *The site will not affect any historic or architecturally important sites and districts.* There are no historic or architecturally important sites or buildings on the parcel or in the immediate vicinity that will affect the development of affordable housing.
- ✓ Developable Site – In accordance with N.J.A.C. 5:93-1.3, a developable site has access to appropriate sewer and water infrastructure and is consistent with the areawide water quality management plan. The sites are in the South Monmouth Regional sewer service area and

water and sewer mains are accessible. The Borough Engineer confirmed that the Borough's sewer and water system has sufficient capacity to accommodate the multi-family residences.

- ✓ Approvable Site – Pursuant to N.J.A.C. 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The site is approvable and will be developed in accordance with Borough, County and State regulations.
- ✓ Administrative Entity – The Borough will enter into an agreement with an experienced Administrative Agent to administer the Borough's affordable housing units pursuant to COAH's regulations. For the proposed Third Round affordable units, the Borough's Administrative Agent or the developer of the 100% project will affirmatively market the units, income qualify applicants, place 30-year affordability control deed restrictions on the units and provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1, or any successor regulation, with the exception that in lieu of 10% affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income.
- ✓ Low/Moderate Income Split – At least half of all the affordable units developed at the site will be affordable to low-income households (13% of all affordable units will be very low-income) and an odd number of affordable units will always be split in favor of the low-income unit per UHAC at N.J.A.C. 5:80-26.1.
- ✓ Affirmative Marketing – The Borough's Administrative Agent or the developer of the 100% projects will affirmatively market the units in accordance with UHAC per N.J.A.C. 5:80-26.1.
- ✓ Controls on Affordability – The Borough's agreement with the developer of the sites will require a minimum 30-year affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.
- ✓ Bedroom Distribution – The units controlled by the developer of the 100% projects will be required to be developed in accordance with UHAC requirements regarding bedroom distribution in accordance with N.J.A.C. 5:80-26.1.
- ✓ Funding – The Borough and the developer will execute an agreement that in exchange for a deed restriction of at least 30 years, the Borough will provide the parcel as a municipal contribution toward the construction of the affordable housing development projects. The developer will also look to potential funding from sources including but not limited to DCA Balanced Housing funds, Monmouth County HOME funds, Federal Home Loan Bank funds, and/or HMFA bond financing. The Borough will adopt a resolution of intent to bond for any shortfall in funding the Municipally Sponsored Affordable Housing Construction Program.
- ✓ Construction Schedule – The Borough anticipates the beginning of construction to occur within 2 years of the Judgment of Repose and Compliance.

Table 3: Satisfaction of the Third Round 24 Unit RDP					
Project	Unit Type	Status	Units	Bonus Credits	Total Credits
M&D Two 628 Higgins Avenue	Family Rental	Zoned	3	3	6
Roger Mumford Homes Rathjen Road	Family Rental	Proposed	2	2	4
Roger Mumford Homes Rathjen Road	Supportive & Special Needs	Proposed	7	1	8
Borrie Avenue	Family For Sale	Proposed	2	0	2
Municipal Building	Family Rental	Proposed	5	0	5
Total			19	6	25
Surplus					1

Affordable Housing Micro-Requirements

In addition to meeting the total 24-unit RDP, the Borough must also meet a rental obligation, total family unit obligation, the very low-income obligation and not exceed the maximum senior unit cap.

Maximum Bonus Credits = 6 units

.25 (RDP) = 6 units | .25 (24) = 6

These maximum bonus credits are not exceeded, and the bonus credits are distributed as follows: M&D Two (3) and Roger Mumford Homes (3).

Minimum Rental = 6 units

$$.25 \text{ (RDP)} = 6 \text{ units} \quad | \quad .25 \text{ (24)} = 6$$

This obligation is satisfied with 16 credits associated with the M&D Two (3), Roger Mumford Homes (9) and Municipal Building site 100% Affordable Housing Rental Project (5).

Maximum Senior = 6 units

$$.25 \text{ (RDP)} = 6 \text{ units} \quad | \quad .25 \text{ (24)} = 6$$

The Borough does not exceed the overall maximum senior units permitted.

Minimum Family = 9 units

$$.50 \text{ (RDP – the bonus credits)} = 9 \text{ units} \quad | \quad .50 \text{ (24-6=13)} = 9$$

This obligation is satisfied with 12 credits associated with the M&D Two (3), Roger Mumford Homes (2), Borrie Avenue 100% Affordable Housing Rental Project (2) and the Municipal Building site (5).

Minimum Family Rental: 5 units

$$.50 \text{ (9)} = 5 \text{ units} \quad | \quad .50 \text{ (9)} = 4.5 \text{ rounded up to } 5$$

This obligation is satisfied with 10 credits associated with the M&D Two (3), Roger Mumford Homes (2) and the Municipal Building site 100% Affordable Housing Family Rental (5).

Minimum Very Low Income = 2 units

$$.13 \text{ (units created or approved on or after July 1, 2008)} = 2 \text{ unit} \quad | \quad .13 \text{ (18)} = 2.34$$

This obligation is satisfied with 7 credits associated with Roger Mumford Homes Special Needs units (6) and Municipal Building site 100% Affordable Housing family rental project (1).

Addressing Prior and Third Round Unmet Need

The RDP of 24 is subtracted from the Prior and Third Round Obligation of 354 units, resulting in an Unmet Need of 330 units. The Borough is utilizing the proposed Higgins Avenue Corridor Redevelopment Plan, a Mandatory Setaside Ordinance and an Affordable Housing Ordinance to address the Prior and Third Round Unmet Need Obligation.

Redevelopment Plan for Higgins Avenue Corridor

The Higgins Avenue Corridor Redevelopment area is approximately 14.6 acres in size and with densities ranging between 12-15 dwelling units per acre for mixed use and multi-family uses and

a 20% setaside for affordable housing, the proposed zoning will create a meaningful mechanism to address the unmet need. The Borough will perform an Area in Need of Redevelopment and draft a Redevelopment Plan for the Higgins Avenue Corridor in accordance with N.J.S.A. 40A:12A and will work with developers and property owners for the development of a Redevelopment Plan that will provide a meaningful opportunity for affordable housing. It is anticipated that the Study will be completed by August 31, 2025.

All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

Mandatory Set-aside Ordinance

The Borough will adopt a mandatory set-aside ordinance that requires, where via use variance, rezoning, or redevelopment, the Borough permits multi-family residential housing with 5 units or greater at a density greater than otherwise permitted compared to the existing zoning permitted, than an affordable housing set-aside will be imposed on the development. All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

Addressing Fourth Round Unmet Need

Unmet Need: 65 units

Due to limited vacant and developable land that is within the Borough's land use jurisdiction, the Borough qualifies for a vacant land adjustment. The Borough performed a vacant land analysis and because the Realistic Development Potential associated with the qualifying vacant parcels is addressed in the Third Round Fair Share Plan, the Fourth Round RDP shall be zero (0). The remaining obligation is known as the Fourth Round Unmet Need.

The Amended FHA requires a municipality that receives an adjustment of the prospective need to identify sufficient parcels that are likely to redevelop during the fourth round to address 25 percent of the "adjusted number" with realistic or meaningful zoning. While the plain reading of the Amended FHA could mean that the "adjusted number" is RDP then the Borough would have a zero (0) obligation toward this requirement because the Fourth Round RDP is zero (0). In any event, the Borough is addressing its unmet need through the Route 71 Overlay District.

Route 71 Overlay District (proposed)

The Borough proposes to adopt an overlay district for the parcels that abut Route 71 for mixed-use and multi-family housing with densities ranging from 10-12 dwelling units per acre. The Route 71 Overlay District is approximately 15 acres in size. An overlay zone is a zoning option that allows an applicant to develop at higher densities for residential development provided they set aside at least 20% of the units as affordable housing available to low-and moderate-income households. This type of zoning is known as inclusionary zoning. The proposed ordinance amendment is included in the appendix and represents a meaningful zoning option for future affordable housing opportunities.

PRESERVATION OF MULTIGENERATIONAL FAMILY CONTINUITY

The 2024 FHA 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). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Borough's ordinance indicates that there are no ordinances that would specifically create a detraction from meeting the Commission's goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Borough defines a family that is permitted to live in a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential zoning districts. The Brielle ordinances advance the multigenerational family continuity goal.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN CONSISTENCY

This Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the draft proposed SDRP as the proposed projects and zoning mechanisms will provide a meaningful opportunity for the construction of affordable housing. Pursuant to the SDRP, PA1 is the preferred location for redevelopment for compact growth. Brielle is designated as PA1, which is the Metropolitan Planning Area. The development of affordable housing in PA1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into existing "centers" where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Brielle Borough will adopt an Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC. The Affordable Housing Ordinance governs the establishment of affordable units in the Borough as well as regulating the occupancy of such units. The Borough's Affordable Housing Ordinance will cover the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The Borough will establish the position of the Municipal Housing Liaison and will appoint a staff member to the position. The Borough will rely on an affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Borough will permit developers who demonstrate the appropriate experience and expertise to administer their own units as both are experienced affordable housing administrators. The affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region, Region 4, consisting of Monmouth, Mercer and Ocean counties.

The affirmative marketing plans will include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

AFFORDABLE HOUSING TRUST FUND

A development fee ordinance will be adopted to create a dedicated revenue source for affordable housing.

The future Spending Plan will cover anticipated revenues, collection of revenues, and the use of revenues, which will be prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Borough's Affordable Housing Trust fund and may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- New construction of affordable housing units and related development costs;

- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. It is noted that this 30 percent requirement may change based upon rules that are presently pending by the DCA or may be adopted by the HMFA. The Borough will comply with whatever the law may be.

COST GENERATION

The Borough's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards. The Borough will adopt, if needed, Planning Board rules for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Brielle Borough shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.