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March 17, 2026

VIA eCOURTS

Honorable Linda Grasso Jones, J.S.C.

Monmouth County Courthouse
71 Monument Street, Floor 2
Freehold, New Jersey 07728

RE: In the Matter of the Application of the Borough of Manasquan
Docket No. MON-L-299-25

Dear Judge Jones:

This office represents the Borough of Manasquan as Special Affordable Housing Counsel in the above matter. The Borough hereby files this letter and attached documentation to meet the March 15, 2026 deadline in the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-304.1(f)(2)(c), the Program Order entered on January 20, 2026, the Court Order entered on February 25, 2026, and the deadlines established in the Mediation Agreement entered into between the Borough and Fair Share Housing Center (“FSHC”), as amended (hereinafter “FSHC Mediation Agreement”).¹ Although the Borough endorsed its amended Housing Element and Fair Share Plan, and adopted the plan’s implementing ordinances and resolutions on March 16, 2026, the FHA deadline is still satisfied since March 15, 2026 fell on a Sunday, and R. 1:3-1 allows for the deadline to be carried to the next day.²

To that end, please see the following true copies of the documentation that is being submitted on behalf of the Borough to the Court and FSHC for review:

¹ In addition to the documentation being submitted with this letter to meet the March 15, 2026 deadline, the Borough submitted an earlier letter on August 13, 2025 with attached additional compliance documentation via ecourts to the Program, the Court, FSHC, and all parties.

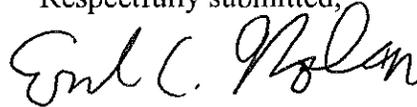
² The Court’s February 25, 2026 Order states the following in the footnote to Paragraph 3: “March 15, the due date provided in the statute, falls on a Sunday and the due date is thus March 16, 2026.”

1. **Amended Mediation Agreement between the Borough and FSHC**: After one of the developers in the Borough's plan decided not to move forward with their project, the Borough representatives and FSHC negotiated an Amended Mediation Agreement, which has been executed by FSHC and the Borough's Mayor. See attached Exhibit A.
2. **Amended Housing Element and Fair Share Plan**: The Borough amended its Fourth Round Housing Element and Fair Share Plan ("Amended Fourth Round Plan") to address the requirements of the FSHC Mediation Agreement as amended. The Amended Fourth Round Plan was adopted by the Planning Board on March 11, 2026, and was endorsed by the Borough Council on March 16, 2026. See attached Exhibit B.
3. **NJSA, Inc. Project**: The Borough and developer challenger NJSA, Inc. have entered into an agreement regarding the developer's proposed inclusionary project. See attached Exhibit C.
4. **Adopted Overlay and Zoning Ordinances**: The Borough Council adopted the following overlay and zoning ordinances on March 16, 2026, all of which are attached hereto as Exhibit D:
 - a. 2588-26 Ordinance Establishing Affordable Housing AR-3-Zone.
 - b. 2589-26 Ordinance Establishing Affordable Housing AH-O Overlay Zone.
 - c. 2590-26 Ordinance Establishing Affordable Housing AR-4 Zone.
 - d. 2591-26 Ordinance Amending CH. 35 Multifamily Standards Within AH-O Zone.
5. **Spending Plan**: The Borough's adopted Fourth Round Spending Plan is attached hereto as Exhibit E.
6. **Affordable Housing Ordinance, Mandatory Set-Aside Ordinance and Development Fee Ordinance**: On March 16, 2026, the Borough adopted an updated Affordable Housing Ordinance, which contains a Mandatory Set-Aside Ordinance, and a separate updated Development Fee Ordinance. See attached Exhibit F.
7. **Affirmative Marketing Plan**: The Borough's Affirmative Marketing Plan was revised to comply with the new UHAC requirements, and was adopted at the Borough Council's March 16, 2026 meeting. See attached Exhibit G.
8. **Updated Manual**: On March 16, 2026, the Borough adopted an updated Administrative Agent Operating Manual. See attached Exhibit H.

To date the Borough has worked diligently to meet all of the deadlines required by the FHA, the Program, the Court and the Consent Order with FSHC, and will continue to do so. This has resulted in a multitude of compliance documentation being provided. Should any documentation need to be corrected or amended, the Borough will do so in a timely fashion, and in accordance with the instructions of the Court and in collaboration with FSHC.

I thank Your Honor for your time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erik C. Nolan", with a long, sweeping flourish extending to the right.

Erik C. Nolan

ECN/sp

Enclosures

cc: All attorneys of record (*via ecourts*)
Ariela Rutbeck-Goldman, Esq. (*via email*)
Jennifer Beahm, PP (*via email*)

EXHIBIT A

**BOROUGH OF MANASQUAN
RESOLUTION
69-2026**

**RESOLUTION OF THE BOROUGH OF MANASQUAN, COUNTY
OF MONMOUTH, AUTHORIZING THE MAYOR TO EXECUTE
AN AMENDED MEDIATION AGREEMENT BETWEEN THE
BOROUGH OF MANASQUAN AND FAIR SHARE HOUSING
CENTER**

WHEREAS, pursuant to the March 2024 amendments to the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (the “FHA”), the Borough of Manasquan (hereinafter “Borough”) filed a Declaratory Judgment Action on January 23, 2025 with the Affordable Housing Dispute Resolution Program (hereinafter “the Program”) and the Court; and

WHEREAS, in order to maintain immunity from all Mount Laurel lawsuits, the Borough was required to prepare a Fourth Round Housing Element and Fair Share Plan (the “Fourth Round HEFSP”), which the Borough’s Planning Board adopted, the Borough Council endorsed, and the Borough submitted to the Program and the Court for review on June 25, 2025; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a challenge with the Program and the Court to the Borough’s Fourth Round HEFSP on August 29, 2025; and

WHEREAS, in order to resolve FSHC’s challenge before the Program and the Court, the Borough and FSHC negotiated and entered into a Mediation Agreement on January 5, 2026, which outlines a global settlement between the Borough and FSHC, and sets forth certain deadlines that must be met by the Borough moving forward in the process, so that the Borough can obtain a Compliance Certification approving its Fourth Round HEFSP, which will give the Borough immunity from all Mount Laurel lawsuits, including builder’s remedy lawsuits, through July 1, 2035; and

WHEREAS, on January 23, 2026, the attorney representing 126 Main Street, LLC, the developer of a proposed inclusionary project located on 11-13 Pearce Ave, indicated verbally and in writing to the Borough, that his client no longer intended to proceed with the project and asked that (1) his client’s site not be rezoned and (2) that the site be removed from the Borough’s Fourth Round HEFSP; and

WHEREAS, in order to facility these requests, the Borough and FSHC negotiated an Amended Mediation Agreement to remove the project and to address the gap in the Borough’s Fourth Round Plan from the loss of the project, which is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council hereby authorizes and directs the Mayor of the Borough of Manasquan to execute the Amended Mediation Agreement between the Borough and Fair Share Housing Center, which is attached hereto as Exhibit A.

CERTIFICATION

I, Nancy Acciavatti, Deputy Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the March 2, 2026, meeting.



 NANCY ACCIAVATTI, RMC
 Municipal Clerk

	I N T R O D U C E D	S E C O N D E D	A Y E	N A Y	A B S T A I N	A B S E N T
BRESNAHAN			X			
BRYANT	X		X			
HOLLY			X			
OLIVERA			X			
TRIGGIANO		X	X			
VIDREIRO			X			
ON CONSENT AGENDA			X	YES	NO	

AMENDED MEDIATION AGREEMENT

In the Matter of the Application of the Borough of Manasquan, County of Monmouth
Docket No. MON-L-299-25

WHEREAS, the Borough of Manasquan (the “Borough” or “Manasquan”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. Seq. (the “Fair Housing Act”) on January 23, 2025; and

WHEREAS, the Court having entered an order on April 1, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 67 units, which no party appealed, and ordered the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 25, 2025 (“Adopted HEFSP”);
and

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

WHEREAS, developer NJSA, Inc. having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 28, 2025; and

WHEREAS, several Manasquan Borough residents having filed objection letters pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) prior to the August 31, 2025 deadline (collectively the “Brady Challenge”) regarding a proposed project in the Borough’s HEFSP located on 11-13 Pearce Avenue (Block 64, Lots 2 and 3)(the “Sepe Project”); and

WHEREAS, the Borough and developer NJSA, Inc. having negotiated a settlement and entered into a Mediation Agreement on January 5, 2026; and

WHEREAS, the Borough and FSHC having negotiated a settlement and entered into a Mediation Agreement on January 5, 2026; and

WHEREAS, the Program having held a final Session on December 15, 2025, during which both settlements were put on the record; and

WHEREAS, the Program having subsequently issued a “Program Decision Recommendation” on January 20, 2026, which recommended that the trial court approve both settlements and also recommended the dismissal of the Brady Challenge; and

WHEREAS, on January 23, 2026, the attorney representing 126 Main Street, LLC, the developer of the Sepe Project, having indicated verbally and in writing to the Borough, that his client no longer intended to proceed with the Sepe Project, and asked that (1) his client’s site not be rezoned and (2) that the site be removed from the Borough’s HEFSP; and

WHEREAS, the Borough and FSHC having amicably agreed to enter into this Amended Mediation Agreement to facilitate necessary changes to the Borough’s HEFSP, including but not limited to, the removal of the Sepe Project and site from the plan, which if approved by the Trial Court will result in a Compliance Certification for the Borough for the Fourth Round; and

THEREFORE, the Borough and FSHC agree:

Fair Share Obligations

1. The Borough’s Present Need or Rehabilitation Obligation is 0, the Borough’s Prior Round Obligation (1987-1999) is 149, the Borough’s Third Round Obligation (1999-2025) is 382, and the Borough’s Fourth Round Prospective Need (2025-2035) is 67.

Satisfaction of Fair Share Obligations

2. Since the Borough's Present Need is 0, the Borough has fully satisfied its Present Need obligation. That said, the Borough will continue to participate in the Monmouth County Rehabilitation Program during the Fourth Round.
3. The Borough's combined Prior Round Obligation of 149 and Third Round Obligation of 382 was adjusted through a Third Round Vacant Land Adjustment to 12, and has been met with the following mechanisms:
 1. The constructed and occupied **Broad Street** (Block 64, Lots 25.01, 25.03, 26, and 27) project consists of twenty-two (22) market-rate units.
 2. The constructed and occupied **Union Avenue** (Block 66.02, Lot 31.01) project consists of fourteen (14) market rate units and nine (9) affordable family rental units. The 9 affordable family rental units represents a 20% set-aside from both the Broad Street and Union Avenue projects.
 3. 3 family rental bonus credits.
4. As to its Fourth Round Prospective Need Obligation, the Borough is entitled to a Vacant Land Adjustment as set forth in its Adopted HEFSP dated June 24, 2025, yielding a Fourth Round RDP of **10** and an Unmet Need of **57**.
5. The Borough shall satisfy its Fourth Round RDP with the following mechanisms:

MECHANISM	LOCATION	TYPE	UNITS	BONUS	TENURES	STATUS
Trenton Partners (Block 81, Lot 57.01)	East Side of Rt. 71 at Curtis Ave	Inclusionary	5	2.5	Family Rentals	Proposed
23 Taylor Ave. (Block 62, Lot 9)	West Side of Rt. 71 North of Main	Inclusionary	3		Rentals	Proposed
Jersey Mikes Site Project	29-37 Taylor Avenue & 68-72 Taylor Avenue	Inclusionary	2		Family Rentals	Proposed

Total			10	2.5		

6. The Borough shall address its Fourth Round Unmet Need with the following mechanisms:

NAME	UNITS	TENURE	STATUS
Accessory Apartment Program	TBD	TBD	Amended per HEFSP
Mandatory Set-Aside Ordinance	TBD	TBD	Adopted
245 Parker Avenue Project	1 bedroom low-income unit	Family Rental	Constructed
Main Street Affordable Housing Overlay Zone (14 Units Per Acre)	TBD	TBD	In Place
Amended Route 71 Redevelopment Overlay Zone (Block 52, Lots 38.01, 33.01 and 38; Block 90, Lots 1.02 and 2) (20 Units Per Acre)	20	TBD	Proposed increase in density in the existing Route 71 Overlay Zone

Unit Type and Income Distribution Requirements

7. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Borough shall maintain satisfaction with such requirements for the Fourth Round:

- a. Age Restricted Cap. The Borough agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.
- b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).
- c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
- d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent

or less of the regional median income, with half of the very low-income units being available to families.

- e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
 - f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and applicable Prior Round and Third Round regulations.
8. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a trial court order, the below terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.
 - b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations, or as to very low-income units, shall remain in effect as to those prior rounds of obligations.
 - c. The Borough agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all

affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.

- d. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that said ordinances comply with the most up to date requirements of UHAC, and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc.; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP; and the Supportive Housing Association.

Process for Approval and Implementation

9. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the county level housing judge must still review this agreement, and the resulting amended Fourth Round HEFSP and implementing ordinances

and resolutions for compliance with the Fair Housing Act prior to issuing a Fourth Round Compliance Certification, as follows:

- a. The Borough and FSHC shall present this Amended Mediation Agreement to the Trial Court for review and approval, subject to final execution by FSHC and an authorized representative of the Borough, once a resolution is adopted by the Borough Council authorizing the execution of the Amended Mediation Agreement.
- b. The Borough shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in Paragraph 10. No later than March 15, 2026, the Borough shall file the information required by Paragraph 10, along with any other relevant adopted ordinances and resolutions on eCourts.
- c. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of Consent Order granting a final Fourth Round Compliance Certification for the Court's review, or identify any remaining issues of compliance that may still be disputed, at which point the court shall schedule a case management conference to review any such areas.
- d. Both parties agree to implement the terms of this Agreement. If the county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Court's approval and return to *status quo ante*. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory

judgment, or a separate action before the Program or the Superior Court, Law Division.

10. The Borough and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification:

- a. The Borough has entered into an agreement with objector developer NJSA, Inc., relating to the developer's proposed project of 12 total units, with an affordable housing set-aside of twenty percent (20%) family rental units, which will include 2 low and moderate income family rental units, and the developer will pay an in lieu fee of \$60,000 for the remaining 0.4 unit obligation into the Borough's affordable housing trust fund. A redevelopment plan for the sites will also be drafted and adopted by March 15, 2026.
- b. The Borough will amend its Route 71 Overlay Zone Ordinance, which will be adopted by March 15, 2026.
- c. The Borough will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the forthcoming regulations at N.J.A.C. 5:99.
- d. The Borough will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. after they are adopted and before March 15, 2026.

11. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have the right to address the issue without

negatively affecting its continuing entitlement to immunity from all Mount Laurel lawsuits through July 2, 2035. The Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.

12. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:

- a. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
- b. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date, and expiration of

affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

13. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended, or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause, or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses, or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such

determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

Attest:

BOROUGH OF MANASQUAN

Keara Homan
Print Name: Keara Homan

By: Micah W. May

Date: 3/16/26

Attest:

FAIR SHARE HOUSING CENTER

Ariela Rutbeck-Goldman
Print Name:
Ariela Rutbeck-Goldman, Esq.

By: Laura S. Smith-Denker, Esq.

Date: 02/16/2026

EXHIBIT B

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF
MANASQUAN ADOPTING AN AMENDED FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, in accordance with the Amended Fair Housing Act, the Borough timely submitted its Fourth Round Housing Element and Fair Share Plan ("HEFSP") to the Program for review in June of 2025; and

WHEREAS, the Borough received challenges to its Fourth Round Plan from Fair Share Housing Center ("FSHC"), NJSA, Inc ("NJSA"), and various resident objectors in August of 2025; and

WHEREAS, the Borough went through mediation with the Program to resolve Fair Share Housing Center's challenge, which resulted in a Mediation Agreement being entered into on January 5, 2026; and

WHEREAS, the Borough also entered into a Mediation Agreement with NJSA on January 5, 2026; and

WHEREAS, due to a developer requesting to be removed from the Borough's Fourth Round Plan, the Borough and FSHC are in the process of negotiating an Amended Mediation Agreement; and

WHEREAS, as per the FHA and the Mediations Agreements with FSHC and NJSA, the Borough is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Mediation Agreements; and

WHEREAS, the Borough has prepared an Amended Fourth Round Housing Element and Fair Share Plan ("Amended Fourth Round Plan"), which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Amended Fourth Round Plan on March 11, 2026; and

WHEREAS, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the Borough's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.



Gregory Love
Acting Chairman of the Planning Board

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Borough of Manasquan at a regular meeting held on the 11th day of March, 2026.



George D. McGill, Planning Board Attorney

**BOROUGH OF MANASQUAN
RESOLUTION
77-2026**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN ENDORSING AN AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, in accordance with the Amended Fair Housing Act, the Borough timely submitted its Fourth Round Housing Element and Fair Share Plan ("HEFSP") to the Program for review in June of 2025; and

WHEREAS, the Borough received challenges to its Fourth Round Plan from Fair Share Housing Center ("FSHC"), NJSA, Inc ("NJSA"), and various resident objectors in August of 2025; and

WHEREAS, the Borough went through mediation with the Program to resolve Fair Share Housing Center's challenge, which resulted in a Mediation Agreement being entered into on January 5, 2026; and

WHEREAS, the Borough also entered into a Mediation Agreement with NJSA on January 5, 2026; and

WHEREAS, due to a developer requesting to be removed from the Borough's Fourth Round Plan, the Borough and FSHC are entering into an Amended Mediation Agreement; and

WHEREAS, as per the FHA and the Mediation Agreements with FSHC and NJSA, the Borough is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Mediation Agreements; and

WHEREAS, the Borough has prepared an Amended Fourth Round Housing Element and Fair Share Plan ("Amended Fourth Round Plan"), which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board adopted the Amended Fourth Round Plan after a public hearing was held on March 11, 2026; and

WHEREAS, the Borough Council has reviewed the Amended Fourth Round Plan and concurs with the Planning Board's determination that the Amended Fourth Round Plan is consistent with the Borough's Master Plan, promotes the public health, safety, and general welfare, and is in the best interests of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Council hereby endorses the Borough's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

CERTIFICATION

I, Keara Homan, Deputy Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the March 16, 2026, meeting.

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN			✓			
BRYANT			✓			
HOLLY	✓					
OLIVERA			✓			
TRIGGIANO		✓				
VIDREIRO			✓			
ON CONSENT AGENDA			✓ YES		NO	


 KEARA HOMAN, RMC
 Deputy Municipal Clerk

Housing Element and Fair Share Plan

Prepared for:

**The Borough of Manasquan
Monmouth County, New Jersey**

February 2026

Prepared By:



788 Wayside Road
Neptune, New Jersey 07753
(732) 922-9229

A handwritten signature in black ink, appearing to be "Jennifer C. Beahm", written over a horizontal line.

Jennifer C. Beahm, PP, AICP
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INTRODUCTION

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (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 provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations, and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH’s regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Borough of Manasquan, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. In 2024, the Region 4 median income for a four-person household is \$130,054; the moderate-income limit is \$104,043, the low-income limit is \$65,027, and the very-low-income limit is \$39,016.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality’s low- and moderate-income housing needs. The statutory required contents of the housing element are:

- An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share 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; and
- 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.

MUNICIPAL SUMMARY

Manasquan is a coastal Borough, located along the Atlantic Ocean in southeastern Monmouth County, New Jersey. The Borough covers approximately 1.38 square miles, and was incorporated as the Borough of Manasquan in 1887. The Borough offers convenient access to major roadways, including Route 35 and the Garden State Parkway, which allows easy travel for residents and visitors.

Today, Manasquan is known for its residential and commercial areas, as well as its close proximity to the Atlantic Ocean and beaches. The Borough maintains a blend of year-round residents as well as seasonal tourists and visitors. Recreational opportunities are abundant throughout the Borough, including fishing and walking trails, as well as public facilities like sports courts, and playgrounds. Manasquan is bordered by the Borough of Sea Girt to the north, Wall Township to the west, the Borough of Brielle to the southwest, the Manasquan River and Inlet to the south, and the Atlantic Ocean to the east.

The current year-round population of Manasquan is estimated at 5,915 (ACS 2023 5-year data). Manasquan has a population density of 2,347 persons per square mile. The Township grew older by 5.2 years between 2010 and 2023, with a current median age of 47.6 years of age. Manasquan's 2023 median household income estimate of \$156,542 was higher than that of the county (\$122,727) and the State (\$101,050).

In the guidelines established by COAH, the Borough of Manasquan is located in affordable housing Region 4 which is comprised of Monmouth, Mercer, and Ocean Counties.

DEMOGRAPHIC CHARACTERISTICS

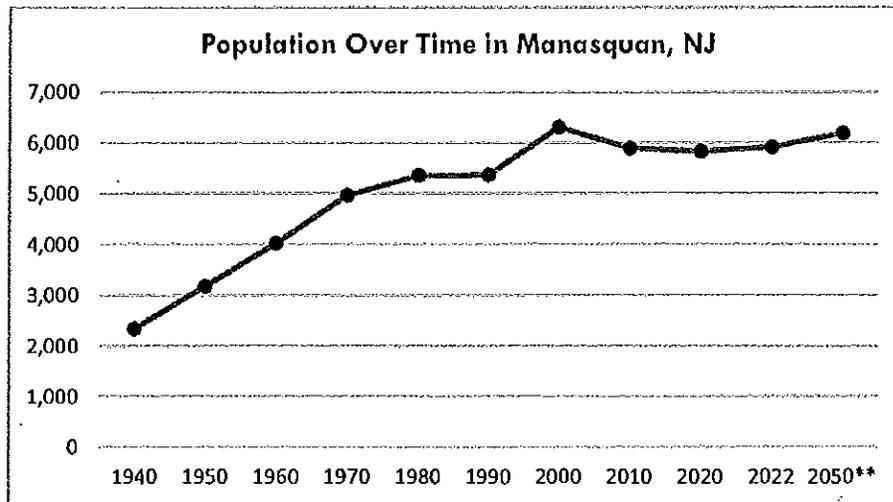
POPULATION

In 2023, the Borough of Manasquan had an estimated total population of 5,915. This number represented a net increase of 78 persons (1.3 percent) since the year 2020. Manasquan experienced a steady increase from 1940 to 1970, followed by a tapered increase in population from 1970 to 1990. The sharpest increase occurred between 1990 and 2000. The Borough's population decreased between 2000 and 2020, but returned to an upward trend in 2023, with a slight increase of 1.3 percent. Monmouth County, in comparison, experienced a similar decrease between 2010 and 2020 and increase between 2020 and 2023. Overall, the State of New Jersey and Monmouth County have experienced upward trends in population growth.

TABLE 1: POPULATION TRENDS, 1940-2023

Year	Manasquan			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	2,340	-	-	161,238	-	-	4,160,165	-	-
1950	3,178	838	35.8%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	4,022	844	26.6%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	4,971	949	23.6%	461,849	127,448	38.1%	7,171,112	1,104,330	18.2%
1980	5,354	383	7.7%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	5,369	15	0.3%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	6,310	941	17.5%	615,301	62,177	11.2%	8,414,350	684,162	8.9%
2010	5,897	-413	-6.5%	628,112	12,811	2.0%	8,721,577	307,227	3.6%
2020*	5,837	-60	-1.0%	620,821	-7,291	-1.2%	8,885,418	163,841	1.9%
2023*	5,915	78	1.3%	643,615	22,794	3.67%	9,267,014	381,596	4.29%
2050**	6,195	280	4.7%	669,624	48,559	4.0%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)
 *U.S. Census Bureau, ACS 5-Year Estimates (table B01003)
 **Projections from North Jersey Transportation Planning Authority, (NJTPA)



POPULATION COMPOSITION BY AGE

The age composition of Manasquan has shifted noticeably since 2010. According to American Community Survey 5-Year Estimates, significant changes occurred in many age groups. The number of elementary and pre-school-aged children has decreased significantly over this time period, as has the number of adults aged 35 to 44 years and adults 85 years and over. The greatest percentage decrease occurred in the 85 years and over cohort, which decreased by 73.5%, while the overall population only decreased by 0.9%. Conversely, the Borough has seen a significant increase in the number of residents between the 55 years and 74 years. The greatest percentage increases occurred in the 55 to 59 age cohort, which grew by 50.5%.

TABLE 2: POPULATION BY AGE COHORT, MANASQUAN, 2010-2023

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	5,975	100.0%	5,915	100%	-1%
Under 5 years	379	6.3%	203	3.4%	-46.4%
5 to 9 years	314	5.3%	217	3.7%	-30.9%
10 to 14 years	390	6.5%	603	10.1%	47.2%
15 to 19 years	439	7.3%	373	6.3%	-11.8%
20 to 24 years	215	3.6%	270	4.5%	46.0%
25 to 34 years	430	7.2%	501	8.5%	26.7%
35 to 44 years	981	16.4%	373	6.3%	-59.3%
45 to 54 years	1,059	17.7%	1,435	24.2%	9.3%
55 to 59 years	321	5.4%	325	5.4%	50.5%
60 to 64 years	394	6.6%	476	8.0%	30.5%
65 to 74 years	526	8.8%	760	12.8%	36.7%
75 to 84 years	327	5.5%	300	5.0%	8.3%
85 years and over	200	3.3%	79	1.3%	-73.5%
U.S. Census Bureau, American Community Survey 2010, 2023 5-Year Estimates (table S0101)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in children under the age of 18. The 20 to 24-year-old and 55 and over age cohorts experienced population increases between 2010 and 2023, with the largest increases in the older age cohorts, suggesting that the County has an aging population.

TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2010-2023

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	628,112	100.0%	643,615	100.0%	2.5%
Under 5 years	36,105	5.7%	32,114	4.9%	-11.05%
5 to 9 years	43,432	6.9%	37,390	5.8%	-13.9%
10 to 14 years	45,172	7.2%	39,484	6.1%	-12.5%
15 to 19 years	44,706	7.1%	42,163	6.6%	-5.7%
20 to 24 years	33,055	5.3%	37,390	5.8%	13.99%
25 to 34 years	63,105	10.0%	70,569	10.9%	11.8%
35 to 44 years	93,461	14.9%	75,860	11.8%	-18.8%
45 to 54 years	108,675	17.3%	88,083	13.7%	-18.9%
55 to 59 years	42,594	6.8%	50,654	7.8%	18.9%
60 to 64 years	34,235	5.5%	50,797	7.8%	48.4%
65 to 74 years	41,719	6.6%	71,107	11.04%	70.4%
75 to 84 years	29,301	4.7%	33,953	5.3%	15.9%
85 years and over	12,552	2.0%	14,423	2.2%	14.9%

U.S. Census Bureau American Community Survey 2010, 2023 5-Year Estimates (table DP-05)

The median age of Borough residents has increased by approximately five (5) years between 2010 and 2023. This trend is consistent with the general “graying” of America as the Baby Boom generation continues to age. While the State, County, and Borough have all experienced increases in median age between 2010 and 2023, the Borough experienced the largest increase. The Borough also exhibits the highest median age of the three populations.

TABLE 4: MEDIAN AGE

Year	Manasquan	Monmouth County	New Jersey
2010	42.4	40.6	38.5
2023	47.6	43.2	40.1
Change	5.2	2.6	1.6

U.S. Census Bureau, American Community Survey 2010, 2023 5-Year Estimates (table S0101)

HOUSEHOLDS

A household is defined as one or more persons, either related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 2,513 households in the Borough. Approximately 64.2 percent of the Borough’s households were comprised of one or two persons with the two-person category containing the greatest number of households. A smaller percentage (~59%) of Monmouth County households fell into these categories. The Borough exhibited a lower percentage of three and four-or-more person households than the County. The Borough’s average household size reflects these trends, at 2.37 persons per household compared to the County’s 2.55 persons per household figure.

**TABLE 5: HOUSEHOLD CHARACTERISTICS
MANASQUAN AND MONMOUTH COUNTY, 2023**

	Manasquan		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,513	100.0%	250,195	100.0%
1-person	846	29.3%	66,589	26.6%
2-persons	873	34.9%	81,289	32.4%
3-persons	235	11.5%	40,929	16.4%
4 or more persons	559	24.2%	61,388	24.5%
Average Household Size	2.37		2.55	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household, related by blood, marriage or adoption. Households in Manasquan are mainly family households, comprising 61.7 percent of all households. Approximately 84.3 percent of all family households were family households with married couple householders, while 6.0 percent and 9.7 percent of family households respectively were family households consisting of single parent male or female householders. The average family size was 3.1 persons. Of all Borough households, 38.3 percent were non-family households.

TABLE 6: HOUSEHOLDS BY TYPE (2023)

Households	Total	Percent
	2,513	100.00%
Average Household Size	2.35	
Average Non-Family Household Size	1.1	
Family households	1,550	61.7%
Married Couple Family	1,306	84.3%
With own children under 18 years	447	34.2%
No children under 18 years	859	65.8%
Other Family		
Male householder, no spouse present	93	6.0%
With own children under 18 years	93	6.0%
No own children under 18 years	0	0.0%
Female householder, no spouse present	151	9.7%
With own children under 18 years	49	32.5%
No own children under 18 years	102	67.5%
Nonfamily Households	963	38.3%
Average Family Size	3.1	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table S1101)		

INCOME

Manasquan experienced an 84.9 percent increase in per capita income between 2010 and 2023, which was a greater percent increase than that of Monmouth County’s 59.9 percent increase, and greater than the State’s 52.3 percent increase over the same period. The Borough’s per capita income of \$94,402 in 2023 is higher than the County’s \$65,545 per capita income figure and is higher than the State’s \$53,118 per capita income.

TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
Manasquan	\$51,068	\$94,402	84.9%	\$82,265	\$156,542	90.3%
Monmouth County	\$40,976	\$65,545	59.9%	\$82,265	\$122,727	49.1%
New Jersey	\$34,858	\$53,118	52.3%	\$69,811	\$101,050	44.7%

U.S. Census Bureau, American Community Survey 2010, 2023-5 Year Estimates (tables S1902 and S1903)

The income distribution for the Borough is similar to that of the County. The income bracket containing the highest percentage of households was the \$200,000 or more range for both Manasquan (38.6%) and the County (27.7%). In terms of median household income, households in Manasquan earned more than households in Monmouth County and the State overall in 2023. The median income in Manasquan was \$156,542, approximately \$33,815 more than county median household income and \$55,492 more than state median household income. Between 2010 and 2023, Manasquan’s median household income increased 90.3 percent, higher than the 49.1 percent increase experienced in Monmouth County and the 44.7 percent increase for the State overall.

**TABLE 8: HOUSEHOLD INCOME DISTRIBUTION
MANASQUAN AND MONMOUTH COUNTY, 2023**

	Manasquan		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,513	100.0%	250,195	100.0%
Less than \$10,000	32	1.2%	8,165	3.2%
\$10,000 to \$14,999	0	0.0%	5,319	2.1%
\$15,000 to \$24,999	177	7.0%	10,781	4.3%
\$25,000 to \$34,999	85	3.3%	10,705	4.3%
\$35,000 to \$49,999	246	9.8%	17,390	6.9%
\$50,000 to \$74,999	209	8.3%	25,153	10.05%
\$75,000 to \$99,999	147	5.9%	25,542	10.2%
\$100,000 to \$149,999	313	13.5%	43,917	17.5%
\$150,000 to \$199,999	333	13.2%	33,996	13.6%
\$200,000 or more	971	38.6%	69,227	27.7%

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)

HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Manasquan in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 658 households (30.3%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. A total of 90 households renting in Manasquan, or 26 percent, were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

TABLE 9: MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023

	Manasquan		Monmouth County	
	Number	Percentage	Number	Percentage
Total Owner-Occupied Housing Units	2,170	100.0%	188,578	100.0%
Less than 15%	651	30.0%	28,917	15.3%
15 to 19%	483	22.3%	32,253	17.1%
20 to 24%	182	8.4%	31,997	17.0%
25 to 29%	179	8.3%	25,780	13.7%
30 to 34%	94	4.3%	16,946	9.0%
35% or more	564	26.0%	10,722	5.7%
Not computed	17	0.8%	8,426	4.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				

TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023

	Manasquan		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	343	100.0%	61,617	100.0%
Less than 15%	32	9.3%	7,106	11.5%
15 to 19%	0	0.0%	6,970	11.3%
20 to 24%	35	10.2%	6,927	11.2%
25 to 29%	8	2.3%	6,419	10.4%
30 to 34%	21	6.1%	4,751	7.7%
35% or more	69	20.1%	26,025	42.2%
Not computed	169	49.2%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				

EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

According to the 2023 ACS, the Borough had a total of 3,372 housing units, 2,513 (74.5%) of which are occupied. The majority (64.3%) are owner-occupied homes. Approximately 25.4 percent of the Borough’s housing stock is vacant. The majority of these homes (89.5% of total vacant units) are considered vacant because they serve as seasonal homes, rather than as the primary residence of the owners. About half of all housing structures (~50.4%) in Manasquan were built before 1960.

TABLE 11: OCCUPANCY DATA, 2023

Housing Units in Manasquan	Number	Percent
Total Housing Units	3,372	100.0%
Occupied Housing Units	2,513	74.5%
Owner Occupied	2,170	64.3%
Renter Occupied	343	10.0%
Vacant Housing Units	859	25.4%
For Rent / Rented Not Occupied	11	0.3%
For Sale Only	27	0.8%
Sold, not occupied	0	0.0%
For Seasonal, Recreational or Occasional Use	662	89.5%
Other Vacant	160	6.3%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables DP04 and B25004)		

TABLE 12: AGE OF HOUSING, 2023

	Number	Percent
Built 1939 or earlier	834	24.7%
Built 1940 to 1949	536	15.9%
Built 1950 to 1959	329	12.8%
Built 1960 to 1969	330	8.7%
Built 1970 to 1979	207	5.8%
Built 1980 to 1989	256	4.2%
Built 1990 to 1999	107	4.6%
Built 2000 to 2009	408	10.8%
Built 2010 to 2019	365	10.8%
Built 2020 or later	0	0.0%
Total	3,372	100.0%
Median Year Structure Built	1960	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

HOUSING TYPE AND SIZE

There are approximately 3,372 total housing units in Manasquan, the majority of which consist of single-family detached homes (85.4%). Single-family attached homes (6.8%) and 2-unit homes (5.6%) comprise the next two largest amounts of housing unit types. The median number of rooms per unit was 6.4.

TABLE 13: HOUSING UNITS BY TYPE, 2023

Units in Structure	Total	Percent
Total	3,372	100.0%
1 Unit, detached	2,879	85.4%
1 Unit, attached	231	6.8%
2 Units	192	5.6%
3 or 4 Units	54	1.6%
5 to 9 Units	0	0.0%
10 to 19 Units	8	0.2%
20 Units or more	8	0.2%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	0	0.0%
2 rooms	13	0.4%
3 rooms	97	2.9%
4 rooms	442	13.1%
5 rooms	504	14.9%
6 rooms	721	21.3%
7 rooms	614	18.2%
8 rooms	467	13.8%
9 or more rooms	514	15.2%
Median number of rooms	6.4	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

HOUSING VALUES AND CONTRACT RENTS

According to ACS 5-Year Estimates, most housing units in Manasquan (94.4%) were valued at over \$500,000. Table 14 provides a breakdown of home values for owner-occupied units within the Borough. Only 40 owner-occupied housing units in Manasquan were worth less than \$100,000. The median value of an owner-occupied housing unit was \$947,100 at the time of the survey, compared to the county's median value of \$566,500.

TABLE 14: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023

	Manasquan		Monmouth County	
	Number	Percentage	Number	Percentage
Total	2,170	100.0%	188,578	100%
Less than \$50,000	26	1.2%	3,202	1.6%
\$50,000 to \$99,999	14	0.6%	2,703	1.4%
\$100,000 to \$149,999	16	0.7%	1,760	0.9%
\$150,000 to \$199,999	0	0.0%	2,797	1.4%
\$200,000 to \$299,999	34	1.5%	12,780	6.8%
\$300,000 to \$499,999	43	1.9%	55,119	29.2%
\$500,000 to \$999,999	1,114	51.3%	88,909	47.1%
\$1,000,000 and greater	936	43.1%	21,308	11.3%
Median Value	\$947,100		\$566,500	

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)

The number of rental units in the Borough is estimated at 174. With respect to renter-occupied units, there are a range of rents, with most rental units in the Borough carrying rental costs within the \$1,000 to \$1,999 range per month (79%). At the time of the ACS 5-Year Estimates, the median gross rent in Manasquan was \$1,655, \$116 less than the County median rent of \$1,771. No units in the Borough carried rental costs less than \$500 per month or more than \$2,500 per month, while 0 units (0%) did not require cash rent payments.

TABLE 15: GROSS RENT PAID

	Manasquan		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	174	100.0%	59,223	100%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	0	0.0%	3,453	5.8%
\$1,000 to \$1,499	64	36.7%	13,711	23.1%
\$1,500 to \$1,999	74	42.5%	15,499	26.1%
\$2,000 to \$2,499	28	17.2%	10,920	18.4%
\$2,500 to \$2,999	8	0.0%	6,150	10.3%
\$3,000 or more	0	0.0%	5,445	9.1%
No cash rent	0	0.0%	2,394	4.0%
Median Contract Rent	\$1,655		\$1,771	

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)

HOUSING CONDITIONS

According to the 2023 ACS, there were no units exhibiting overcrowding (more than one person per room) or lacking complete kitchen facilities in Manasquan. However, a minimal number of units were lacking complete plumbing facilities. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation. According to the data, 0.6 percent of occupied housing units lacked complete plumbing facilities.

TABLE 16: HOUSING DEFICIENCY CHARACTERISTICS

	Count	Percent
Housing Units with 1.01 or More Persons Per Room		
Owner-Occupied	0	0.0%
Renter-Occupied	0	0.0%
Plumbing Facilities		
Total Occupied Housing Units	2,513	100.0%
Lacking complete plumbing facilities	15	0.6%
Kitchen Equipment		
Total Occupied Housing Units	2,513	100%
Lacking complete kitchen facilities	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables B25014, S2504)		

PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, Manasquan Borough issued building permits for 349 residential dwelling units between 2010 and 2023. During that same time period, the Borough also issued 276 residential demolition permits. Subtracting demolition permits from construction permits yields a net increase of 104 dwelling units over this time period. Building permit data by year is summarized in Table 17 below.

**TABLE 17: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED,
2010 – 2023**

Year	1 & 2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2010	24	0	0	24	27	-3
2011	13	0	0	13	11	2
2012	15	0	0	15	18	-3
2013	71	0	0	71	106	-35
2014	49	0	0	49	36	13
2015	39	0	0	39	28	11
2016	15	0	0	15	8	7
2017	0	0	0	0	7	-7
2018	1	0	0	1	0	1
2019	15	0	0	15	6	9
2020	20	0	0	20	2	18
2021	33	10	0	43	9	34
2022	37	13	8	58	18	40
2023	17	0	0	17	0	17
Total	349	23	8	380	276	104
NJ Department of Community Affairs Construction Reporter						

EMPLOYMENT DATA

The 2023 ACS reports on work activity of residents aged 16 years and older. The Borough’s working age population was 4,813 residents (81.9 percent of the overall population), approximately 3,214 of whom were part of the labor force (66.8%). Approximately 33.2 percent of the Borough’s working age residents were not participating in the labor force at the time of the estimates. All of Manasquan’s labor force was employed in civilian jobs, with zero residents reported as members of the armed forces. Approximately 1.9 percent of Borough residents reported being unemployed, lower than the estimated unemployment rate of Monmouth County overall (3.4%).

TABLE 18: EMPLOYMENT STATUS

	Manasquan		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	4,813	100.0%	526,352	100.0%
In labor force	3,214	66.8%	349,815	66.4%
Civilian Labor Force	3,214	66.8%	349,355	66.3%
Employed	3,124	64.9%	331,018	62.9%
Unemployed	90	1.9%	18,337	3.4%
Armed Forces	0	0.0%	460	0.09%
Not in labor force	1,599	33.2%	174,537	28.03%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

More than three quarters of the Borough’s workers were employed in private wage and salary positions, while 8.4 percent of workers were self-employed. Government workers comprised 18.1 percent of the Borough’s workforce. Table 19 provides a breakdown of worker classifications.

TABLE 19: CLASSIFICATION OF WORKERS IN MANASQUAN, 2023

	Number	Percent
Total	3,124	100.0%
Private Wage and Salary Worker	2,294	73.4%
Government Worker	567	18.1%
Self-Employed Worker	263	8.4%
Unpaid Family Worker	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Manasquan were involved in a range of economic sectors. The highest concentration of workers (30.1%) were employed in the educational, health, and social services sector, followed by the professional, scientific, and management, and administrative and waste management services sector (13.9%). The other sector employing over 10 percent of the Borough’s residents was the finance and insurance, and real estate and rental and leasing (13.1%).

TABLE 20: WORKFORCE BY SECTOR

Industry	Number	Percent
Civilian employed population 16 years and over	3,124	100.0%
Agriculture, forestry, fishing and hunting, mining	11	0.3%
Construction	126	4.0%
Manufacturing	201	6.4%
Wholesale Trade	76	2.4%
Retail Trade	262	8.3%
Transportation and Warehousing, and Utilities	108	3.4%
Information	139	4.4%
Finance and insurance, and real estate and rental and leasing	412	13.1%
Professional, scientific, and management, and administrative and waste management services	435	13.9%
Educational services, and health care and social assistance	941	30.1%
Arts, entertainment, and recreation, and accommodation and food services	156	4.9%
Other Services, except public administration	84	2.7%
Public administration	173	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 21 provides a percentage comparison of the Borough’s workforce against that of the County. The Borough’s profile of employment by sector generally mirrors that of the County. A higher percentage of the Borough’s workforce is employed in the finance and insurance, and real estate and rental leasing sector; while a higher percentage of the County’s workforce is employed in the retail trade sector.

**TABLE 21: COMPARISON OF WORKFORCE BY SECTOR
MANASQUAN BOROUGH AND MONMOUTH COUNTY, 2023**

Industry	Manasquan	Monmouth County
Civilian employed population 16 years and over	3,124	331,018
Agriculture, forestry, fishing and hunting, mining	0.3%	0.36%
Construction	4.0%	6.9%
Manufacturing	6.4%	6.2%
Wholesale Trade	2.4%	2.4%
Retail Trade	8.3%	10.4%
Transportation and Warehousing, and Utilities	3.4%	4.4%
Information	4.4%	3.2%
Finance and Insurance, and real estate and rental and leasing	13.1%	10.3%
Professional, scientific, and management, and administrative and waste management services	13.9%	15.5%
Educational services, and health care and social assistance	30.1%	24.3%
Arts, entertainment, and recreation, and accommodation and food services	4.9%	7.7%
Other Services, except public administration	2.7%	3.7%
Public administration	5.5%	4.3%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 22 provides a breakdown of occupations by type for the Borough’s employed civilian labor force. Almost three-quarters of the Borough’s employed civilian labor force was employed in management, professional, or related occupations (72.7%), while 15.6% was employed in sales and office occupations.

TABLE 22: OCCUPATIONS BY TYPE

	Number	Percentage
Employed Civilian population 16 years and over	3,124	100.0%
Management, business, science and arts occupations	2,272	72.7%
Service occupations	193	6.2%
Sales and office occupations	488	15.6%
Natural resources, construction and maintenance occupations	81	2.5%
Production Transportation and material moving occupations	90	2.8%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

As indicated in Table 23 below, it is projected that Monmouth County will add 21,400 jobs by 2032. The Ambulatory Health Care Services; Transportation and Warehousing, and Information sectors are poised to experience the greatest increase in number of jobs over the course of the projection period.

TABLE 23: PROJECTED EMPLOYMENT, MONMOUTH COUNTY, 2032

Industry Title	2022 Actual Employment	2032 Projected Employment	Numeric Change	Annual Growth Rate	Percent Change	Outlook
Mining	0	50	13.6	0.0	0.0%	Stable
Utilities	16,250	16,900	650	4.1	4.0%	Growing
Construction	1,300	1,400	100	6.9	7.8%	Growing
Manufacturing	9,700	10,250	550	5.9	5.6%	Growing
Wholesale Trade	8,900	9,200	300	3.5	3.3%	Growing
Retail Trade	36,450	36,700	250	0.7	1.5%	Growing
Transportation and Warehousing	6,100	7,100	1,000	16.6	16.3%	Growing
Postal Service	1,050	1,000	-50	-6.8	-4.7%	Declining
Information	6,050	6,950	900	14.8	14.8%	Growing
Finance and Insurance	10,950	11,050	100	0.9	0.9%	Growing
Real Estate and Rental and Leasing	4,150	4,300	150	4.0	3.6%	Growing
Professional, Scientific, and Technical Services	21,850	22,650	800	3.9	3.6%	Growing
Management of Companies and Enterprises	4,150	4,800	650	15.3	15.7%	Growing
Administrative and Support and Waste Management and Remediation Services	14,650	15,450	800	5.4	5.4%	Growing
Educational Services	25,800	27,350	1,550	6.0	6.0%	Growing
Health Care and Social Assistance	51,200	57,750	6,550	12.7	12.7%	Growing
Ambulatory Health Care Services	24,450	29,550	5,100	20.8	20.9%	Growing
Hospitals	11,250	11,600	350	3.2	3.1%	Growing
Nursing and Residential Care Facilities	8,150	8,400	250	3.0	3.1%	Growing
Social Assistance	7,350	8,200	850	11.4	11.5	Growing
Arts, Entertainment, and Recreation	8,150	9,700	1,550	19.4	13.9%	Growing
Accommodation and Food Services	28,750	30,650	1,900	6.7	6.6%	Growing
Other Services (except Government)	14,150	15,450	1,300	9.1	9.2%	Growing
Government	14,350	15,150	800	5.3	5.5%	Growing
Total Federal Government Employment	1,950	1,900	-50	-3.3	-2.5%	Declining
State Government, Excluding Education and Hospitals	1,300	1,200	-100	-7.3	-7.6%	Declining
Local Government, Excluding Education and Hospitals	11,100	12,050	950	8.3	8.6%	Growing
Federal Government, Excluding Post Office	900	900	0	0.8	0	Stable
Total Self Employed and Unpaid Family Workers, All Jobs	18,700	19,950	1,250	6.5	6.6%	Growing
Total All Industries	302,150	323,550	21,400	7.1	7.0%	Growing

Source: 2022-2032 Industry Employment Projections, NJ Department of Labor and Workforce Development

LANDS MOST APPROPRIATE FOR AFFORDABLE HOUSING

An analysis was conducted to determine which areas of the Borough could accommodate developments that address affordable housing need. This analysis reviews the Borough's existing zoning and planned zoning changes and outlines the Borough's capacity to accommodate residential and non-residential growth projections. The following are included:

- An analysis of the available existing and planned infrastructure;
- The projected demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns; and
- Factors, such as environmental conditions, that present constraints on development.

INFRASTRUCTURE

Water and Sewer

The entirety of Manasquan Borough is located within public water and sewer service areas. Sewer service is provided by the South Monmouth Regional Sewerage Authority, which directs wastewater to a secondary treatment plant located in Wall Township. Public Water is provided by the Manasquan Water Department which owns and operates the potable water system within the Borough. Water for public consumption is drawn from four groundwater wells tapping into the Kirkwood-Cohansey Aquifer.

ANTICIPATED DEMAND AND LAND USE PATTERNS

The Borough of Manasquan contains residential neighborhoods, commercial development, and public uses with very limited vacant land. According to the NJTPA, the population estimates projected to 2050, the Borough is expected to grow to approximately 6,405 people (a 4.7 percent increase since 2023). As a coastal community with a fully developed infrastructure, Manasquan will likely need to address future population growth and employment opportunities while preserving its small-town character. With limited space for new development, the Borough will focus on accommodating growth through redevelopment and improving public services to meet the needs of its residents and visitors.

Residential

Currently, higher-density residential districts are concentrated in the eastern portion of the Borough, where the smallest lot sizes are permitted in the beach and first inland block from the Atlantic Ocean. There are four areas of the Borough that have already been zoned for multi-family development, three of which are located in the western portion of the Borough west of Colby Avenue, and one of which is located in a mixed-use beachfront area. The Borough currently exhibits a high propensity toward allowing and encouraging mixed-use development in its downtown area, permitting upper floor apartments in most of its commercial zones. The current locations permitting apartment and multi-family uses, particularly those within the Borough's downtown area with proximity to rail transit, are the most appropriate and most logical starting points for building encouraging additional inclusionary multi-family development.

Non-Residential

The commercial zone is characterized by low- to medium-density development, with buildings typically ranging from one to two stories in height and containing a mix of retail shops, restaurants, offices, and service businesses. The Borough's downtown area maintains a focus on local businesses that serve both residents and tourists. Given the build-out nature of the Borough, new commercial development will most likely take the place of existing tenants, or will require some degree of redevelopment to occur on already developed sites. The Borough's zoning district, which permits mixed-use arrangements of residential units above first floor stores and shops illustrates the desire to accommodate residential units within generally non-residential zones to the maximum extent possible given current development patterns.

ENVIRONMENTAL CONSTRAINTS

Manasquan enjoys many natural environmental amenities, including the ocean, wooded areas, lake and creeks, dunes, and wetlands. In order for these environmentally sensitive features to retain their existing quality and perform vital ecosystem functions, the Borough must be conscious of its role as steward of its natural environment. Manasquan is home to a stretch of coastline, an area of inlet, and three streams. It is also home to intensively developed lots, especially in the coastal zone, where pervious surface is limited. Impervious surface contributes to negative environmental outcomes, particularly in coastal communities, by creating high velocity runoff and limiting groundwater recharge during storm events. Given these realities, the Borough must conserve natural features such as dunes and wetlands that can absorb excess stormwater and help filter polluted runoff. Areas with sensitive environmental features, particularly those identified in the Borough's 1992 Natural Resource Inventory, are not suitable for development.

HISTORIC

Four (4) properties within Manasquan are listed on the State Register of Historic places. Brielle Road Bridge over the Glimmer Glass, Manasquan Friends Meetinghouse and Burying

Ground, Squan Beach Life-Saving Station #19, and the Old Coast Guard Station on Manasquan Inlet. An opinion was sought for the Manasquan Main Street Historic District in 2006, but a district has yet to be officially designated. The preparation of a Historic Element of the Master Plan has been a goal of the Borough's for some time, but has yet to be implemented. While select properties are targeted for preservation, historic status is not generally a major source of development constraint in Manasquan.

EXISTING LAND USE DESIGNATIONS

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted in 2023.

The following districts comprise the Borough's **residential** zones:

One-Family Residential Zones:

R-1 is a one-family Residential Zoning District. Permitted uses within this zone include: Single-family detached dwellings; Municipal buildings, parks, playgrounds, public open space and other facilities; Privately owned conservation/open space areas; and Family day care home operations. Conditionally permitted uses include home occupations and professional office; Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults. The R-1 zone is located in two areas, one in the northern-central portion of the Borough in the area of Stockton Lake that occupies approximately 20 blocks, and another in the residential area of Glimmer Glass Circle off of Brielle Road.

R-2, R-3, R-4, and R-5 are all one-family Residential Zoning District. The principal permitted uses, permitted accessory uses and conditional uses in this zone are the same as those in the R-1 One-Family Residential Zone, except churches and church related facilities are permitted as conditional uses.

The R-2 zone is the district that occupies the largest land area of any zone in the Borough. It is the only single-family residential zone west of the railroad tracks, but also occupies large areas in the portion of the Borough at the eastern and western ends of Stockton Lake, and the blocks in the vicinity of Glimmer Glass Harbor. Small R-2 areas are located adjacent to the Fisherman's Cove Conservation area on Deep Creek Drive, and in the second beach blocks adjacent to Sea Girt.

The R-3 zone is located in two areas in the eastern portion of the Borough, one area adjacent to Fisherman's Cove Conservation area south of Brielle Road, and another larger area north of Brielle Road along the lagoon-type communities near Watson Creek, extending west the width of one block for several blocks between Rogers Avenue, East Main Street, and North

Potter Avenue. It is the second highest density single-family district in the Borough.

The R-4 zone is specifically called the Beachfront One-Family Residential Zone. True to its name, it covers the vast majority of properties located in the block adjacent to the beach as the easternmost strip of development in the Borough. The R-4 zones does allow for accessory apartments through a provision allowing two principal buildings on a lot, one of which is permitted to be a garage with a second floor living unit as an accessory to a separate single-family residential dwelling.

Finally, the R-5 zone covers the vast majority of properties located in the first inland block from the beach, directly behind the R-4 zone. It is the highest density single-family district in the Borough.

R-M is a Multifamily Residential Zoning District. The R-M designation occurs in three isolated areas in the Borough, on the inland side of the train tracks. The purpose of the zone is to provide locations for the development of multi-family housing. Permitted uses include townhouses and multi-family residences for three or more families. Senior Citizen multi-family housing is a permitted conditional use in the zone. To accommodate multi-family developments, the required minimum lot size is 40,000 square feet. The maximum permitted density is 10 units per acre. Similar accessory uses are permitted in the R-M district as in the R-1 district, with the exception of an additional allowance for common facilities and amenities serving residents in multi-family developments. .

R-PM is a planned Multifamily Residential Zoning District. The R-PM zone occurs in one small portion of the Borough's central beachfront and the first inland blocks, between East Main Street and Brielle Road. The zone permits planned multifamily residential development, including accessory commercial uses. The maximum permitted density is 16 units per acre. As anticipated by the zone, this portion of the Borough contains a number of residences, as well as retail, restaurant, and commercial uses serving beach area residents and visitors. Senior Citizen Housing is permitted as a conditional use.

R-2A is a one- and two- family residential zoning district. Principle permitted uses within this zone include; Single-family detached dwellings; Duplexes; Municipal buildings, parks, playgrounds, public open space and other facilities; Privately owned conservation/open space areas; and Family day care home operations. Conditional permitted uses include: Home occupation and professional offices; Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, adult family care homes for elderly persons and physically disabled adults; and Houses of Worship. The R-2A Zone is located on the west side of Broad Street, north of Main Street and the B-1 Zone District.

AR-1 Affordable Housing Zone. The purpose of the Affordable Housing AR-1 Zone ("AR-1 Zone") is to provide for the development of a multifamily inclusionary development

designed to assist the Borough in satisfying its combined Prior Round and Round 3 (1999-2025) Realistic Development Potential ("RDP") affordable housing obligation through construction of affordable units set aside for low- and moderate-income households. The AR-1 Zone comprises the following tax lots: Lots 25.01, 25.02, 26, and 27, Block 64.

AR-2 Affordable Housing Zone. The purpose of the Affordable Housing AR-2 Zone ("AR-2 Zone") is to provide for the development of a multifamily inclusionary development designed to assist the Borough in satisfying its combined Prior Round and Round 3 (1999-2025) Realistic Development Potential ("RDP") affordable housing obligation through construction of affordable units set aside for low- and moderate-income households. The AR-2 Zone shall comprise the following tax lots: Lot 31.01, Block 66.02.

In addition to its residential zones, Manasquan has established the following **non-residential zones** where the main purpose is to accommodate non-residential uses, but **where dwelling units are permitted by right as either a principal or conditionally permitted use:**

B-1 is a Business Zoning District. The purpose of the B-1 zone is to provide for neighborhood-commercial type retail and services uses such as retail goods, personal services, banks, professional offices, restaurants and other uses of similar intensity meeting the daily needs of residents. This zone is a mixed-use zone, with apartments permitted on the upper floors above stores. Senior Citizen Housing is also a permitted conditional use. The B-1 district is located in several pockets within the eastern beachfront and first inland blocks. B-1 pockets also ring the Business Retail Zone located along East Main Street west of the railroad tracks as a transitional zone before R-2 residential district areas.

B-2 is the Marine Business Zoning District. The Marine Business Zone is located in one single area of the Borough, south of Brielle Road, containing the Deep Creek Cove marina and a townhome development. Uses are similar to those permitted in the B-1 zone, with the exception of a de-emphasis on retail, replaced by water-based uses such as marinas, boat sales and rentals, and boat storage. In terms of residential uses, the B-2 zone also permits apartments over stores, and well as planned multifamily residential development and senior citizen housing as principal permitted uses.

B-3: Is a General Business Zoning District. The B-3 zone is the Borough's most intensive commercial zone, permitting uses such as wholesale purchasing and distribution facilities, automobile repair, mechanical contracting shops and services, and inns and fast-food drive ins as conditional uses. While upper-floor apartments are not permitted in the B-3 zone, Senior Citizen Housing is permitted as a conditional use. The B-3 zone occurs in five locations in the Borough, along Route 71 and the railroad tracks, consistent with permitted auto-oriented uses.

BR-1: Business Retail Zoning District. The BR-1 zone covers the extent of downtown

Manasquan, including all properties fronting on Main Street between Broad Street in the west and Colby Avenue in the east. The district seeks to encourage the neighborhood commercial uses typically associated with traditional main streets, such as retail, personal service, restaurants, and public uses. An active commercial downtown is encouraged by the zone's mixed-use options for upper floors, which include allowances for apartments over shops, as well as upper floor businesses and professional offices.

O: Office Zone. The office zone occurs in five locations west of the railroad tracks, along the outer edges of the BR-1 and B-1 commercial districts. While the principal purpose of the zone is to provide space for professional offices for doctors, lawyers, architects, banks, real estate, and other such trades, single-family homes are permitted in the office district. Senior Citizen Housing is a permitted conditional use.

AH-O Affordable Housing Overlay: The purpose of this district is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing. Permitted and conditional uses within designated Overlay Zone include all permitted and conditional uses in the zoning district in which the Overlay Zone is located, and the development of townhomes or multifamily residential buildings for three or more families.

Certain zones in the Borough **do not permit residential uses** at all, as summarized below:

P: Public Parking Zoning District. The purpose of this district is to provide space for public municipal parking lots. Pockets of the P zone are located in the area of the downtown East Main Street B-1 districts, and on the backend of the ocean and inland beach blocks.

CON: Conservation Zoning District. The C district is located along the waterbodies that surround the Borough, chiefly intended to restrict areas designated as wetlands areas or dunes as preserved open space.

PR: Public Recreation Zoning District. Permitted principle uses within this zoning district include Public parks, playgrounds, open space, recreation facilities and parking.

CONSISTENCY WITH THE STATE PLAN

The Borough of Manasquan remains consistent with the New Jersey State Development and Redevelopment Plan (SDRP). The Borough is located within the PA 1 – Metropolitan Planning Area. This planning area is characterized by mature settlement patterns, the need to rehabilitate housing, the recognition that redevelopment will be the most predominant form of growth, and a growing need to revitalize and regionalize services and systems.

Manasquan has also published multiple public documents related to storm water planning, most notably, a stormwater management plan that outlines the proactive steps the Borough is taking to protect citizens and property from the adverse effects of stormwater flooding. Additionally, the Borough has mapped its Stormwater Infrastructure, in compliance with NJDEP requirements.

The Borough of Manasquan is not one of the State's 36 designated Transit Villages; however, the NJ Transit North Jersey Coast Commuter Rail Line runs through the Borough and has its southernmost stop in Monmouth County at the Manasquan Train Station. NJ Transit also provides bus service throughout the Borough.

FAIR SHARE PLAN

FAIR SHARE OBLIGATION SUMMARY

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated in the NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology. The Borough’s housing obligation is outlined in Table 24, below:

TABLE 24: FAIR SHARE OBLIGATION SUMMARY

Obligation Component	Number of Credits Required
Present Need	0
Prior Round Obligation (1987-1999)	149
Third Round “Gap” and Prospective Need (1999-2025)	382
Fourth Round Prospective Need (2025-2035)	67

The following sections outline how the Borough will comply with its Fair Share Obligation.

Lack of Developable Vacant Land

From the outset of the Mount Laurel affordable housing program, Manasquan has continually had to contend with the reality that it is a built-out municipality with virtually no available developable vacant land upon which to construct new affordable housing units.

Given the Borough’s lack of sufficient vacant and developable land, the Borough’s ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. **Three (3) potential redevelopment opportunities have presented themselves in this round, and have been factored into the vacant land assessment, yielding a Realistic Development Potential (RDP) of ten (10) affordable units.**

Satisfaction of the Borough’s Rehabilitation/Present Need Obligation

Manasquan has fully satisfied its Rehabilitation Obligation of zero (0) units. The Borough has been participating in the Monmouth County Rehabilitation Program since 1995, and thirty-six (36) units have been rehabilitated in the Borough since that time. Of the 36 units rehabilitated since 1995, eight (8) were rehabilitated after April 1, 2010, and are therefore creditworthy. Thus, not only has the Borough has fully satisfied its Third Round Rehabilitation Obligation of six (6) units, but also has two (2) surplus rehabilitation credits

that can be applied in future rounds.

SATISFACTION OF THE BOROUGH’S PRIOR ROUND OBLIGATIONS

The Borough’s participated in the Fair Share Third Round and was found to have a Realistic Development Potential (RDP) of 12 units and an unmet need of 519 units. The Borough addressed this RDP with two combined inclusionary projects, which have provided family rental units. The projects are as follows:

1. The **Broad Street** (Block 64, Lots 25.01, 25.03, 26, and 27) project consists of twenty-two (22) market-rate units.
2. The **Union Avenue** (Block 66.02, Lot 31.01) project consists of fourteen (14) market-rate units and nine (9) affordable family rental units.

The nine (9) affordable family rental units developed at the Union Avenue project represent a 20% affordable housing set-aside from the 45 total units across the two projects. To ensure both projects generate affordable housing credits to be applied to the Borough’s affordable housing obligations, the certificates of occupancy for the two projects will be phased together and issued as if they were one project. The Borough updated its zoning regulations to permit the project as negotiated through a developer’s agreement to create the new AH-1 and AH-2 zones, which are applied to the specific sites, similar to the existing affordable overlay districts within the Borough. The project also yielded 3 bonus credits for family rentals units.

The Union Avenue affordable units are required to meet unit income distribution requirements. The nine (9) affordable units will consist of one (1) very low-income unit, four (4) low-income units, and four (4) moderate income units. The Union Avenue affordable units will also be required to deliver a mix of bedroom units. At least two (2) of the units will be three-bedroom units and no more than two (two) of the units will be a one-bedroom unit.

TABLE 25: THIRD ROUND OBLIGATION SUMMARY

Affordable Housing Mechanism	Number of Units
Total Realistic Development Potential	12
Unmet Need, 1987-2025	519

FOURTH ROUND OBLIGATION

Satisfaction of the Borough's Realistic Development Potential

The Borough's once again utilized a Vacant Land Adjustment in Round 4, resulting in a Realistic Development Potential (RDP) is 10 units and an Unmet Need of 57 units. The Borough proposes to address this RDP through the following three (3) inclusionary affordable housing projects, totaling 12 credits:

TABLE 26: FOURTH ROUND OBLIGATION COMPLIANCE SUMMARY

#	Developer	Location	Affordable Units	Bonus Credits	Total Credits
1	Trenton Partners (Block 81, Lot 57.01)	East Side of Rt. 71 at Curtis Ave.	5	2	7
2	23 Taylor Avenue (Block 62, Lot 9)	West Side of Rt. 71 North of Main	3	-	3
3	Jersey Mikes	29-37 Taylor Avenue and 68-72 Taylor Avenue	2	-	2
Total			10	2	12

Trenton Partners

Trenton Partners is seeking to construct a mixed-use building consisting of 24 residential units, including five (5) affordable units, 3,000 sq. ft. of retail, and 35 parking spaces on the east side of Rt. 71 at Curtis Avenue. The Borough will also seek credit for 2 bonus credits for this project, based on its location within a redevelopment area. The proposed zoning ordinance is included herein as Appendix B.

23 Taylor Avenue

This project will be located on the west side of Rt. 71, north of Main Street, and will consist of 14 townhouses, including three (3) affordable units. This project would also be eligible for 1.5 bonus credits, based on its location within a redevelopment area. However, Manasquan can only seek credit for a maximum of 2 bonus credits in this round, and as such cannot seek the additional bonus credits for this project. The proposed zoning ordinance is included herein as Appendix C.

Jersey Mikes Site (29-37 Taylor Avenue & 68-72 Taylor Avenue) is proposed to provide twelve (12) multi-family rentals of which 2 will be made available to low- and moderate-income households. The developer will pay in lieu for the 0.4 units which make up the 20% set-aside into the Borough's Affordable Housing Trust Fund.

Satisfaction of the Borough's Unmet Need

The Borough's unmet need is 57 units based on the remaining Fourth Round Obligation. The Borough has implemented and intends to continue the following mechanisms to address its unmet need:

Accessory Apartment Program

The Borough has adopted an Accessory Apartment Ordinance that permits the development of accessory apartments in the Borough's R-1, R-2, and R-M Zones, subject to the bulk and yard requirements of the zone in which the unit is located. The Ordinance contains provisions for the design, accessibility, affordability, marketing, and administration of the Accessory Apartment units generated as a result of the Ordinance. The Borough has amended the ordinance to allow accessory apartments to be created throughout the Borough instead of just in the R-1, R-2, and R-M zones and to increase the subsidies for the Accessory Apartment program from \$10,000 for all units to \$25,000 for a moderate income unit, \$35,000 for a low income unit and \$50,000 for a very low income unit. The Borough will use Affordable Housing Trust Fund monies to pay for the increased subsidies. The existing ordinance is included herein as Appendix E.

Mandatory Set-Aside Ordinance ("MSO")

The Borough has an existing adopted Borough-wide Mandatory Set-Aside Ordinance ("MSO") in place. The MSO currently requires a 20 percent (20%) affordable housing set-aside for residential developments comprised of five or more dwelling units. The MSO exempts developments less than five dwelling units, residential expansions/additions/renovations/replacements, or any other type of residential development that does not result in a net increase in the number of dwelling units. In addition, the MSO requires fractional dwelling units to be either (a) constructed as an additional unit on site, or (b) be provided for via a payment-in-lieu of constructing the second unit to the Borough's Affordable Housing Trust Fund. The MSO will not apply to the Borough's R-M, B-1, BR-1, O, and B-3 Zones.

The MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Manasquan or its boards to grant such rezoning, variance, redevelopment designation or other relief. The existing ordinance is included herein as Appendix E.

B-1, BR-1, O, B-3 and R-M Zone Affordable Housing Overlay Zone

The Borough established an affordable housing overlay zone in the B-1, BR-1, BO, B-3, and R-M zones to provide an opportunity to develop additional affordable housing. Any affordable units generated in the overlay zone will be applied toward satisfying unmet need. The overlay zone requires a 20% affordable housing set-aside, set at a density of fourteen (14) units per acres for those properties fronting on Main Street west of Route 71, and ten (10) units per acre for those properties that front on Route 71 itself. The existing ordinance is included herein as Appendix F. The Borough intends to increase the density along the

Route 71 corridor from 10 units/ acre to 20 units/acre to satisfy the Round 4 Unmet Need. The Round 4 Unmet Need is 57 units. Twenty-five (25%) percent of the Round 4 Unmet Need is 14 units. The increase in the density for the entire Route 71 corridor from 10 to 20 units/acre will provide an opportunity for more than 14 units.

245 Parker Avenue is an existing residential development that maintains one 1-Bedroom low-income unit which the Borough seeks to take credit for against the unmet need.

Compliance with Affordable Housing Distribution Requirements

The Substantive Rules for affordable housing that were promulgated as Chapter 93 and which are being used during the present round include limitations on the number of age-restricted affordable units that can count toward the municipal obligation, as well as a cap on the number of bonus credits that can be claimed for rental units. There is also a minimum requirement for the provision of rental units as opposed to sale units, and requirements for the distribution of units across very low-, low- and moderate-income categories. Manasquan complies with these rules as follows:

Age-Restricted Unit Maximum

The Borough is not seeking credit for any age-restricted units. The age-restriction maximum is therefore not applicable at this time. The 8 units within the Borough's Fair Share Plan for Round 4 are all family rental units will be open to residents of any age or family makeup.

Rental Unit Minimum

The Borough is seeking credit only for rental units at this time in the form of ten (10) family rental units. Because no sale units are proposed for credit, the rental unit minimum is therefore not applicable at this time.

Bonus Maximum

Maximum bonus credits are capped at 25% of total obligation figures, with the added stipulation that no more than 50 percent of the rental obligation shall receive a bonus for age-restricted rental units. The Borough is claiming 2 bonus credits for the 10 family rental units, ten (10) of which are located within a redevelopment area.

Family Units

Pursuant to NJSA 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need.

The Borough's Round 4 plan includes 8 actual units. Compliance with this micro-

requirement would require the Township's plan to provide a minimum of 4 family units. The Borough's Round 4 Fair Share Plan provides all 10 units as family units; therefore, the Borough is in compliance with this micro-requirement.

Rental and Family Rental Units

Pursuant to NJSA NJSA 52:27D-211(l), at least 25 percent of the actual units, exclusive of any bonus credits, shall be addressed through rental housing. Twenty-five percent of the 8 units created results in a minimum of 2 rental units. The Borough has provided for all 10 units to be family rental units, therefore complying with this requirement.

Income Distribution Requirements

Income distribution requirements mandate the following:

- 50 percent of affordable units must be affordable to moderate-income households with a gross income between 80 and 50 percent of regional median household income;
- At least 50 percent of units must be affordable to low-income households making 50% or less of regional median income; and
- At least 13 percent of all units must be affordable to very low-income households making 30 percent or less as compared to regional median income.

As described above, the Borough will meet this requirement by requiring the ten (10) rental units to meet the income distribution requirements.

APPENDICES

Appendix A: Vacant Land Adjustment

Vacant Land Inventory and Analysis Report

**Prepared for:
Borough of Manasquan
Monmouth County, New Jersey**

June 2025

Prepared By:



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I. INTRODUCTION

As noted in N.J.A.C. 5:93, "there may be instances where a municipality can exhaust an entire resource (land, water or sewer) and still not be able to provide a realistic opportunity for addressing the need for low and moderate income housing." In recognition of the need to provide for the opportunity to adjust municipal affordable housing obligations, N.J.A.C. 5:93 outlines standards and procedures for municipalities to demonstrate that a municipal response to its housing obligation is limited by lack of land, water or sewer. This report outlines the vacant land analysis methodology and summarizes the results of the vacant land analysis prepared on behalf of the Borough of Manasquan by Leon S. Avakian Inc (Avakian).

Previous Housing Rounds and Vacant Land Analyses

The Borough of Manasquan is a fully developed coastal community located along the Atlantic Ocean and Manasquan Inlet in southern Monmouth County. The Borough participated in the third housing round.

Current Housing Round and Vacant Land Assessment

Given the Borough's relative lack of vacant and developable land, the Borough's ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, which includes the following components:

- An inventory of all vacant parcels in accordance with N.J.A.C. 5:93-4.2(b), included as Attachment A.
- A Vacant Land Map depicting vacant properties within the Borough, included as Attachment B.
- An existing land use map for the Borough in accordance with N.J.A.C. 5:93-4.2(a), included as Attachment C.

The realistic development potential (RDP) of the Borough's vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has three (3) suitable sites available for development, and consequently, has an RDP new construction obligation of ten (10) affordable units.

II. PERMITTED EXCLUSIONS

N.J.A.C. 5:93 establishes criteria by which sites, or portions thereof, in a municipal land inventory may be excluded from a municipality's RDP. Environmentally sensitive areas, including flood hazard areas, areas within Environmentally Sensitive Planning Areas according to the State Plan Policy Map, areas outside of the Sanitary Sewer Service Area (SSA), wetlands, and areas characterized by steep slopes of greater than 15 percent that render a site unsuitable for affordable housing may be excluded from consideration. In addition, small, isolated lots lacking

sufficient acreage to generate an affordable housing set-aside as part of an inclusionary development may also be excluded. Vacant lots under development or properties for which site plan approval has been granted may also be excluded. Finally, landlocked parcels or sites with limited or no access may also be excluded from the calculation of the Borough's RDP.

The vacant land inventory table in Attachment A provides a parcel-by-parcel description of exclusions that have been made pursuant to N.J.A.C. 5:93.

It should be noted that the Borough is permitted to reserve up to three percent of its total developed and developable acreage, less existing active municipal recreation areas, for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing pursuant to N.J.A.C. 5:93-4.2(e)4. Any such site designated for active recreation in accordance with this section must be purchased and limited to active recreational purposes within one year of substantive certification. Although this calculation has not been completed as part of this analysis, the Borough reserves the right to revise this analysis to complete this calculation.

III. Summary and Conclusion

Based on the procedures for municipal adjustments provided in N.J.A.C. 5:93, the Borough of Manasquan's RDP has been determined to be ten (10) affordable units. This finding is consistent with the Borough's current development conditions.

ATTACHMENT A: VACANT LAND INVENTORY
TABLE

MANASQUAN BOROUGH VACANT LAND

Block	Lot	Class	Location	Owner Name	Area
1	1	15C	110 Lenape Tr	BOROUGH OF MANASQUAN	0.10
2	1.02	15C	55 Manito Rd	BOROUGH OF MANASQUAN	0.31
2	1.03	15C	201 Iroquois Rd	BOROUGH OF MANASQUAN	1.41
2	1.04	15C	95 Manito Rd	BOROUGH OF MANASQUAN	1.87
3	1.01	15C	200 Iroquois Rd	BOROUGH OF MANASQUAN	1.88
6	47	15C	2511 Lenape Tr	TOWNSHIP OF WALL	0.00
6	48	15C	2511 Lenape Tr	TOWNSHIP OF WALL	0.01
7	37.01	1	51 Narrumson Rd	RAFFETTO, NICHOLAS H & FITZPATRICK, S	0.17
8.01	9.01	15C	112 Iroquois Rd	BOROUGH OF MANASQUAN	0.12
9	30.01	15C	199 South St	BOROUGH OF MANASQUAN	0.88
11	17	1	1098 Lakewood Rd	HERBERT, PATRICIA	0.00
11	19	1	2436 Lenape Tr	KERNAN, KEITH & SUZANNE	0.02
11	20	1	2436 Lenape Tr	KERNAN, KEITH & SUZANNE	0.02
11	21	1	2436 Lenape Tr	KERNAN, KEITH & SUZANNE	0.01
11	22	1	2436 Lenape Tr	KERNAN, KEITH & SUZANNE	0.01
12	64	15F	11 Minnesink Rd	MCRAE, EDWIN & MARGARET	0.06
12	65	15F	11 Minnesink Rd	MCRAE, EDWIN & MARGARET	0.06
14	18	15F	105 South St	SQUAN VILLAGE HISTORICAL SOCIETY	0.47
18	27	15C	21 Fisk St	BOROUGH OF MANASQUAN	0.64
18	28.01	15F	105 Church St	SMYTH, KEVIN P & ELAINE E	0.45
19	16.01	1	34 Wigwam Pa	VILLANI, JOSEPH R	0.16
22	34	1	58 Church St	RABENDA, PAUL & DEBORAH	0.17
24	1.01	15C	South St	BOROUGH OF MANASQUAN	0.12
24	1.02	15C	South St	BOROUGH OF MANASQUAN	0.16
25	1.01	15C	36 Central Ave	BOROUGH OF MANASQUAN	1.76
27	5.01	15C	1 South St	BOROUGH OF MANASQUAN	0.58
28	1.01	1	3 Central Ave	BAY/PARK PROPERTIES, LLC	0.17
28	1.02	1	5 Central Ave	BREWER, THOMAS & PAIGE	0.17
28	5	1	Central Ave	CENTRELLA, LORRAINE	0.87
30	1	15C	19 Main St N	BOROUGH OF MANASQUAN	1.19
31	4.01	1	105 Atlantic Ave	NORDELL, CARL III	0.31
31	15	1	1011 New Brunswick Ave	TULLY, JOSEPH E & PATRICIA A	0.17
32	1.03	15C	27 Osborn Ave	BOROUGH OF MANASQUAN	0.53
32	1.06	15C	67 Atlantic Ave	BOROUGH OF MANASQUAN	0.29
33	1.01	15C	12 Main St N	BOROUGH OF MANASQUAN	0.39
33	1.02	15C	12 Main St N	BOROUGH OF MANASQUAN	0.13
33	1.03	15C	12 Main St N	BOROUGH OF MANASQUAN	0.13
35	9.01	15F	62 Main St	WOMANS CLUB OF MANASQUAN	0.43
35	14	15C	86 Main St	BOROUGH OF MANASQUAN	0.18
35	24	15F	55 Broad St	PUBLIC LIBRARY OF MANASQUAN	1.72
35	25	15F	Osborn Ave	MANASQUAN VILLAGE TOWNHOUSE ASSO	0.82
35	26.01	15F	65 Broad St	MANASQUAN FIRST AID SQUAD	1.34
37	3.02	15C	49 Atlantic Ave	BOROUGH OF MANASQUAN	0.09

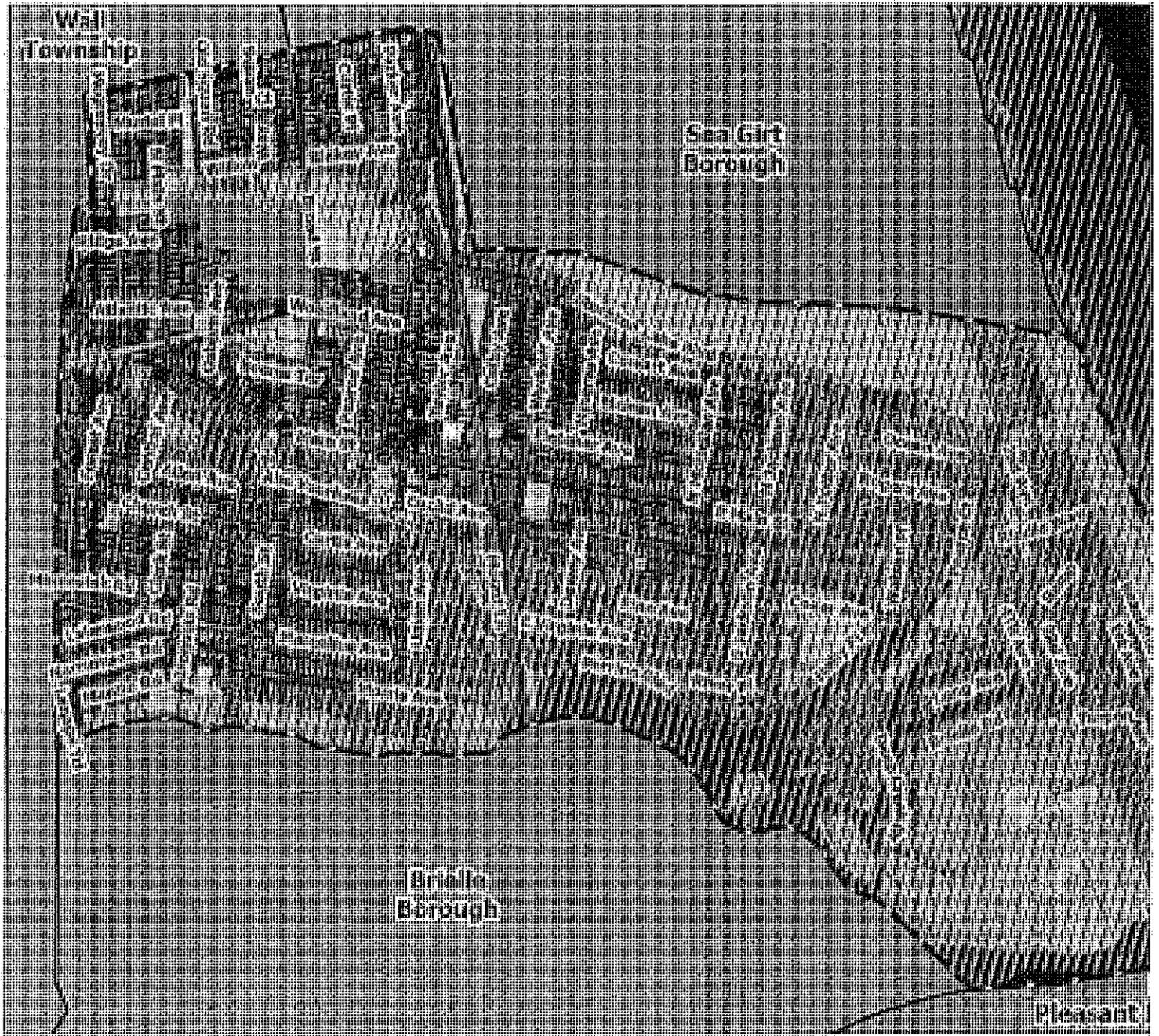
42	13	1	982 Atlantic Ave	MALLARD PARK OFFICES, LLC	0.35
43	4.01	15F	30 Ridge Ave	MANASQUAN VFW POST 1838	0.54
44.02	2.03	15F	133 Main St N	MCGREEVEY, NADINE A	0.29
44.03	11	15C	99 Main St N	BOROUGH OF MANASQUAN	1.00
44.03	12	15C	99 Main St N	BOROUGH OF MANASQUAN	1.13
45	15	15F	Squan Ct	SQUAN CT CONDO ASSOC	0.30
45	15.03	1	63 Sea Girt Ave	DROPCHINSKI, MARTHA	0.17
45	15.08	1	63 Sea Girt Ave	DROPCHINSKI, MARTHA	0.13
45.04	36	1	27 Willow Way	MCKEON, HOWARD & LINDA	0.33
45.06	13.01	15A	Main St N	BD OF ED-BOROUGH OF MANASQUAN	2.59
46	3.01	15A	169 Broad St	BD OF ED-BOROUGH OF MANASQUAN	1.75
47	50.05	15A	168 Broad St	BD OF ED-BOROUGH OF MANASQUAN	0.35
47	52.01	15A	168 Broad St	BD OF ED-BOROUGH OF MANASQUAN	6.90
47	60	15F	81 Curtis Pl	HART, ERICA LYN & MATTHEW KYLE	0.17
47	62.02	15A	168 Broad St	BD OF ED-BOROUGH OF MANASQUAN	2.46
54	2.01	15C	100-200 Camp Dr	NJ STATE POLICE	2.32
56	38	15F	200 Parker Ave	STORAGE DEPOT ASS'N C/O SCHWIER, H	1.23
58	1.04	15C	93 Pearce Ave Right Of Way	BOROUGH OF MANASQUAN	0.04
58.01	2	15C	151 Parker Ave	BOROUGH OF MANASQUAN	0.07
58.02	1.02	15C	145 Parker Ave	BOROUGH OF MANASQUAN	0.13
59	1.01	15C	2 Woodland Ave	BOROUGH OF MANASQUAN	0.14
60	1.01	15F	111 Parker Ave	VOLUNTEER ENGINE CO NO 2 INC	1.43
62	3.01	15F	Main St	MAIN STREET CONDO ASSOCIATION	0.63
62	10	2	29-31 Taylor Ave	NJSA, INC	0.26
62	11	2	37-37-1/2 Taylor Ave	NJSA, INC	0.25
62	17	15F	67 Taylor Ave	COMMON GROUND	0.26
63	19	15F	43 Woodland Ave	MADIA, JOSEPH A SR & CONSTANCE L	0.16
64	2	2	11 Pearce Ave	BRADENTON BEACH DEVELOPMENT, LLC	0.17
64	3	4A	13 Pearce Ave	126 MAIN STREET, LLC	0.16
64	19	1	88 Broad St	SHERMAN PROPERTIES, INC	0.22
64	21	1	Broad St	SHERMAN PROPERTIES, INC	0.23
64	27.01	15F	34 Broad St	BROAD STREET COMMONS, A CONDOMINIUM	0.50
64	27.01	1	34 Broad St, Unit 206	R THREE SONS, INC	0.01
64	27.01	1	34 Broad St, Unit 306	BROAD STREET COMMONS, A CONDOMINIUM	0.01
64	27.01	1	34 Broad St, Unit 210	BEGGANS, JOSEPH A	0.01
64	27.01	1	34 Broad St, Unit 309	WILLIAM WALDMAN BLOODLINE TRUST	0.01
64	27.01	1	34 Broad St, Unit 310	BROAD STREET COMMONS, A CONDOMINIUM	0.01
65.02	19.03	15F	60-62-64 Abe Voorhees Dr	ALGONQUIN ARTS	0.73
66	17	15F	36 South St	SAMARITAN CENTER AT THE JERSEY SHOR	0.16
66	23.04	15F	33 Abe Voorhees Dr	MANASQUAN HOOK & LADDER CO NO 1	0.39
66	29.01	15C	65 Abe Voorhees Dr	BOROUGH OF MANASQUAN	0.59
67	61.01	15F	Virginia Ave	VIRGINIA CROSSING, LLC	0.50
71	1.01	15C	160 South St	BOROUGH OF MANASQUAN	3.71
71	3.01	1	Union Ave	APPLEGATE, JEAN D	0.88
71	110.01	1	83 Morris Ave	83 MORRIS AVE, LLC	0.19
72	1.08	1	123 Morris Ave	ROBERTSON, CHARLES & JENNY	0.14
72	2.01	15C	135 Morris Ave	BOROUGH OF MANASQUAN	3.24
73	78	15F	142 Morris Ave	RAMOS, MARIA & ORTIZ. MANUEL R	0.15

81	170.01	15F	101 Mount Ln	SQUAN VILLAGE CONDOMINIUM ASSOC	0.86
81	170.03	15F	121 Curtis Ave	SQUAN VILLAGE CONDOMINIUM ASSOC	0.49
81	170.03	15F	115-1 Curtis Ave	FEELEY, EDWARD & ELIZABETH	0.01
82	56.01	15F	Mount Ln	MOUNT LANE CONDOMINIUM ASSOC	0.37
85	28.01	1	261 Cedar Ave	DALY, CYNTHIA M	0.11
87	1	15C	251 Main St E	BOROUGH OF MANASQUAN	1.39
89	4.02	15C	201 Main St E	BOROUGH OF MANASQUAN	0.14
89	4.02	15C	201 Main St E	BOROUGH OF MANASQUAN	1.13
93	1.01	15F	17 Stockton Lake Blvd	2534 HOLDING CORPORATION	1.53
95	12	1	21 Wyckoff Ave	LUDWIG & WARE, LLC & LITWIN, DIANA	0.20
99	3	15C	28 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.31
99	12	15C	Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.80
100	1	15C	110 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.13
100.01	1	15C	150 Stockton Lake Blvd	BOROUGH OF MANASQUAN	28.36
100.01	1.01	15C	150 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.32
101	1	15C	130 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.20
102	1	1	Stockton Lake Blvd	GONZALEZ, PABLO & GALLO, NANCY	0.01
102	2.01	1	Stockton Lake Blvd	ROBERTS, MARY KATHRYN	0.04
102	3.01	1	Stockton Lake Blvd	COX, PAUL E & MARGARET C	0.07
102	4	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.10
102	5	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.12
102	6	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.14
102	7	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.14
102	8	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.13
102	9	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.12
102	10	15C	180 Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.11
105	10.01	1	Stockton Lake Blvd	MCCUTCHEON, WILLIAM T & THERESA M	0.16
105	12	1	115 Stockton Lake Blvd	J & G PROPERTY MGMT, LLC	0.19
107	14	1	62 Farragut Ave N	SICKLES, WILLIAM & VICTORIA	0.17
118	9	1	300 Cedar Ave	MIKAEIL, KEROLOS & RAELYN	0.06
118	10	1	300 Cedar Ave	MIKAEIL, KEROLOS & RAELYN	0.06
119	1.02	1	320 Cedar Ave	LANGAN, LAURENCE & MARY H	0.23
120	17.02	1	374 Cedar Ave	VAN VLIET, SHAUN & JEAN	0.12
120	17.03	1	376 Cedar Ave	VAN VLIET, SHAUN & JEAN	0.11
120	28	1	365 Euclid Ave	JOHN CONWAY & PATRICIA CORLETT, TRUST	0.06
120	29	1	365 Euclid Ave	JOHN CONWAY & PATRICIA CORLETT, TRUST	0.06
122	17.01	15F	335 Cedar Ave	KING, MARIAN E, ETALS	0.11
123	19.01	15F	309 Cedar Ave	CLAYTON, THOMAS C & MAUREEN E	0.17
131	24.01	1	337 Perrine Blvd	GUNTHER, GAIL	0.05
131	24.02	1	337 Perrine Blvd	GUNTHER, GAIL	0.04
133	11	1	402 Perrine Blvd	MORAN, FRANCIS J & MARIE E	0.07
133	21	15C	425 Virginia Ave E	BOROUGH OF MANASQUAN	0.72
133	41.02	1	402 Perrine Blvd	MORAN, FRANCIS J & MARIE E	0.05
135	1	15C	Glimmer Glass Island	COUNTY OF MONMOUTH-BRIDGE DEPT	1.57
135.01	1	15C	Brielle Rd	COUNTY OF MONMOUTH	0.05
135.02	1	15C	Brielle Rd	COUNTY OF MONMOUTH	0.08
136	3.02	15F	Brielle Rd	CASTAWAYS TOWNHOMES & MARINA	0.21
136	26.01	15C	400 Brielle Rd	BOROUGH OF MANASQUAN	0.27

137	59	1	60 Jackson Ave S	RAMFAM5, LLC	0.06
138	1	15C	435 Cedar Ave	BOROUGH OF MANASQUAN	3.83
139	31	15C	455 Perrine Blvd	BOROUGH OF MANASQUAN	0.75
139	31.01	15C	455 Perrine Blvd	BOROUGH OF MANASQUAN	0.57
140	3	1	388 Pine Ave	BARBERA, ANTHONY & JOANNE	0.06
140	4	1	388 Pine Ave	BARBERA, ANTHONY & JOANNE	0.06
140	13	15C	Pine Ave-Cedar Ave	BOROUGH OF MANASQUAN	0.51
141	13	15C	Cedar Ave	BOROUGH OF MANASQUAN	0.25
142	10	15C	Cedar Ave	BOROUGH OF MANASQUAN	0.63
143	19	1	457 Euclid Ave	BORUSZKOWSKI, LILLY A	0.06
143	20	1	457 Euclid Ave	BORUSZKOWSKI, LILLY A	0.06
147	14.01	1	449 Main St E	LAROSA, RICHARD & CLAIRE	0.22
148	6	15F	402 Euclid Ave	ATNO, ANDREA R	0.17
152	16	1	10 Sims Ave	CARR, TERENCE & KERRY & BARBARA	0.08
153	20.01	1	450 Main St E	450 CHRISANDER, LLC	0.06
153	21.01	1	450 Main St E	450 CHRISANDER, LLC	0.06
154	5	1	10 Meadow Ave	DEC, THEODORE G & MARGARET M	0.08
157	1.06	1	56 Potter Ave N	GUTIERREZ, ANTHONY & MICHELE K	0.14
157	5	1	17 Ocean Ave	PULEO, JOSEPH S & CAROLYN A	0.17
157	34	1	60 Rogers Ave	GRAINGEMO, LLC	0.17
157	45	1	38 Potter Ave N	GALE, RHONDA	0.17
157	46	1	40 Potter Ave N	GALE, RHONDA	0.17
158	6	1	162 Fletcher Ave	KELLY FAMILY TRUST	0.18
160	1	1	142 Lake Ave	LOCKENMEYER, FREDERICK E & MARY F	0.16
161	1	1	Stockton Lake Blvd	MULYK, OKSANA; HURLEY, J & BAXER, M	0.09
161	2	15C	Stockton Lake Blvd	BOROUGH OF MANASQUAN	0.09
161	3	1	Stockton Lake Blvd	EVANS, PAULINE	0.08
161	4	1	Stockton Lake Blvd	MANHEIMER, P RUSSELL; D'AMATO, JULI	0.07
161	5	1	Stockton Lake Blvd	YANGER, NADINE	0.03
161	6	1	Stockton Lake Blvd	YANGER, NADINE	0.03
161	7	1	Stockton Lake Blvd	SWIECINSKI, JILL	0.06
161	8	1	Stockton Lake Blvd	SWIECINSKI, JILL	0.06
161	9	1	Stockton Lake Blvd	TIELMAN, MENNO & DEBRA K	0.05
161	9.01	1	Stockton Lake Blvd	TIELMAN, MENNO & DEBRA K	0.02
162	1.01	1	66 Potter Ave N	NORTH POTTER PARTNERS, LLC	0.10
162	1.02	1	6 Ocean Ave	SMITH, KELLY & HOWARD, BRICE	0.13
162	1.03	1	66 Potter Ave N	NORTH POTTER PARTNERS, LLC	0.22
162	2.01	1	8 Ocean Ave	KELLY, KEVIN M & NICOLE M	0.13
162	2.02	1	8 Ocean Ave	KELLY, KEVIN M & NICOLE M	0.28
162	12.03	1	46 Ocean Ave	LABA, THOMAS & KAREN	0.11
163	1	15C	69 Second Ave	BOROUGH OF MANASQUAN	10.66
164	4.01	1	17 First Ave	17 FIRST AVE	0.12
164	29.01	1	34 Second Ave	34 SECOND, LLC	0.11
165	4.01	1	22 First Ave	KELLY, MAUREEN	0.10
165	17	15C	Right Of Way 4 Foot	BOROUGH OF MANASQUAN	0.01
165	32.01	15C	90 First Ave-95 Beachfron	BOROUGH OF MANASQUAN	1.42
165	32.02	15C	79 Beachfront	BOROUGH OF MANASQUAN	0.05
165	32.03	15C	81 Beachfront	BOROUGH OF MANASQUAN	0.04

166	35.02	15C	Ocean Ave	US COAST GUARD	0.15
167	14	1	130 First Ave-131 Beachfr	BALDWIN, MARY; BENNETT, RON & CATHY	0.07
169.02	30	15C	150 Third Ave	BOROUGH OF MANASQUAN	0.50
169.03	3	1	131 Second Ave	IMMORDINO, VINCENT & MICHELE	0.11
169.03	11	15C	130 Third Ave	BOROUGH OF MANASQUAN	0.61
169.06	56	1	7 Pickell Alley	CARR, LIAM & SUZANNA M	0.13
170	12	15F	171 Beachfront	BEACH SIDE VILLAS CONDO ASSOC INC	0.05
171	1.01	15F	580 Main St E	VIEWS AT THE BEACH CONDO ASSOC INC	0.13
171	23	15F	165-165-1/2 First Ave	165 FIRST AVE, LLC	0.04
173	1.01	15C	100 Fourth Ave	BOROUGH OF MANASQUAN	1.98
173	1.04	15C	100 Fourth Ave	BOROUGH OF MANASQUAN	3.87
175	80	15F	521 Long Ave	BLORE, MARSHALL E & BLORE, JANICE	0.16
176	34	1	200 Fourth Ave	RAMUNDO, GIOVANNI & MARCO; VIGGIANO	0.14
177	46	1	213 Second Ave	DECROCE, JOSEPH J	0.11
178	1.03	15F	582-84 Brielle Rd/243 Fir	BRIELLE ROAD HOLDINGS, LLC	0.05
179	1.01	15F	209 Beachfront	SURFSIDE EST C/O HEARTHSTONE MGMT	0.95
179	1.02	15C	204 First Ave	BOROUGH OF MANASQUAN	0.16
180	1	15C	Oceanfront Beach	BOROUGH OF MANASQUAN	16.55
181	15.01	1	263 Beachfront	BREUNIG, MARIE E ESTATE%BREUNIG, VERA	0.05
182.01	2	1	295 First Ave	MURPHY, STEPHEN R & CATHLEEN D	0.06
182.01	30.01	1	557 Brielle Rd	LUBRANO, M & ASSAEL, J & LUBRANO, E	0.08
183.01	1	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	3.09
183.02	1	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	11.72
184.02	7	1	569 Pompano Ave	APPLEGATE, TAYLOR S & LISA	0.08
186.01	14	1	391 First Ave	HAAS, JEFFREY I.S. & LISA W	0.07
186.01	16	15F	385 First Ave	BEDARD, ROBERT & JEANNE M	0.07
186.03	2	15F	565 Whiting Ave	BEJOT, LORETTA	0.13
186.03	6	1	553 Whiting Ave	MIDLIGE, MICHAEL & SUZANNE	0.08
187	17	15F	413 Beachfront/412 First	DOC'S CONDOMINIUM ASSOC	0.04
187	21	1	420 First Ave-421 Beachfr	INLET PARTNERS, LLC	0.08
187	26	15C	435 Beachfront	BOROUGH OF MANASQUAN	0.02
188	1.01	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	31.80
188	14	15C	Manasquan River	COUNTY OF MONMOUTH-PARK SYSTEM	2.97
189	2.09	15F	Drawbridge Ln	DRAWBRIDGE CONDO ASSOC C/O PINNACLE	0.11
189	2.10	15F	Drawbridge Ln	DRAWBRIDGE CONDO ASSOC C/O PINNACLE	0.13
189.01	7.03	1	37 Deep Creek Rd	37 DEEP CREEK, LLC	0.11
189.03	1.01	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	7.98
190	1.01	1	Manasquan River Island	BROEGE, PETER J & CATHLEEN L	1.69
190	1.02	1	Manasquan River Island	BROEGE, PETER J & CATHLEEN L	1.61
190	1.03	1	Manasquan River Island	BROEGE, PETER J & CATHLEEN L	0.05
190	1.04	1	Manasquan River Island	BROEGE, PETER J & CATHLEEN L	0.03
190.01	1.02	15C	Manasquan River Island	COUNTY OF MONMOUTH-PARK SYSTEM	0.48
191	1.01	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	1.49
191	1.02	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	2.27
191	1.03	15C	503 Brielle Rd	COUNTY OF MONMOUTH-PARK SYSTEM	0.13
191	1.04	15C	507 Brielle Rd	COUNTY OF MONMOUTH-PARK SYSTEM	0.08
191	3	15C	Fishermans Cove	COUNTY OF MONMOUTH-PARK SYSTEM	0.15

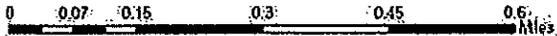
ATTACHMENT B: VACANT LAND MAPPING



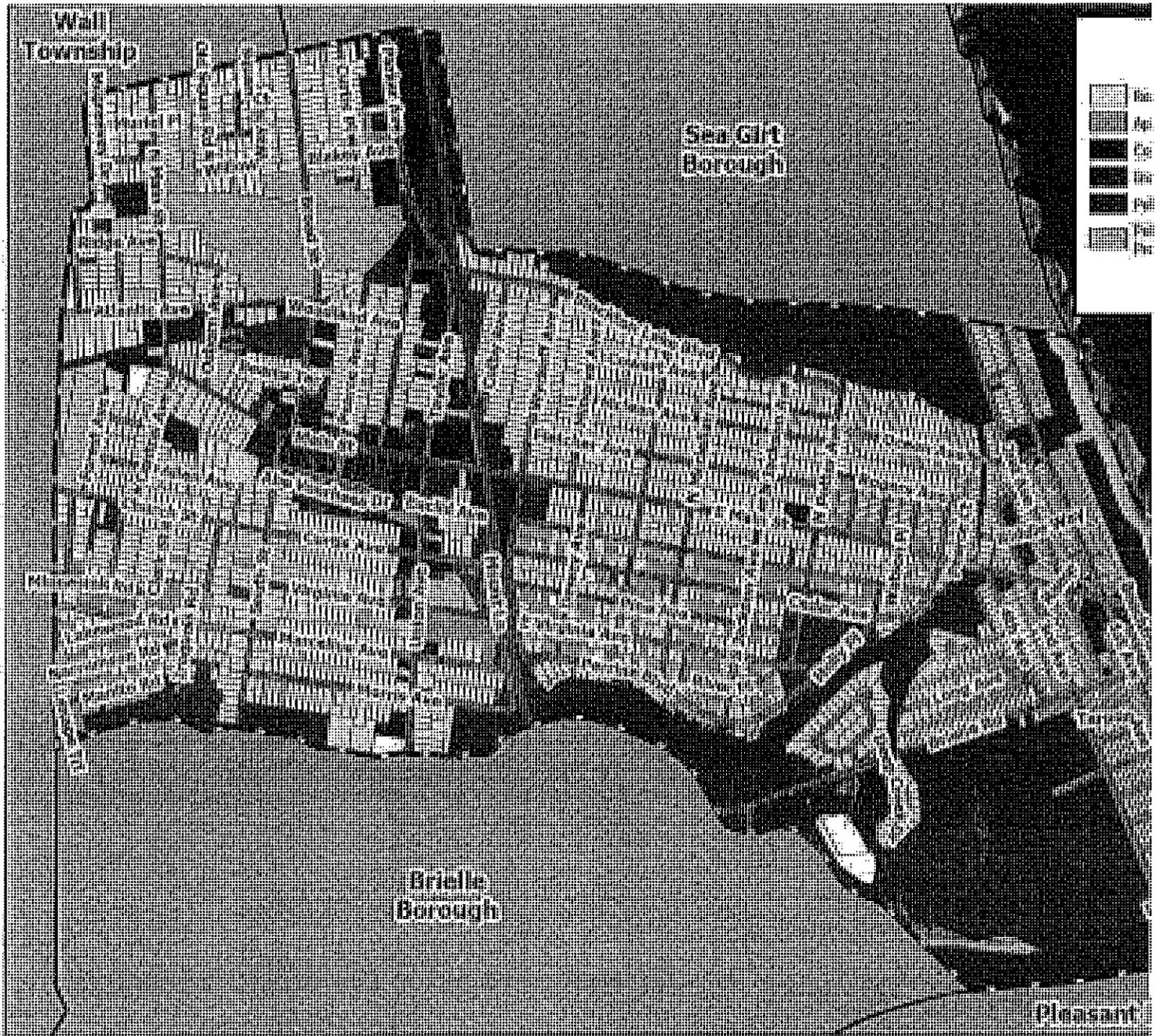
LEON S. AVAKIAN, Inc.
 Consulting Engineers

Vacant Land and Constraints

Vacant Land Adjustment
 Borough of Manasquan
 Monmouth County, New Jersey



ATTACHMENT C: EXISTING LAND USE MAP



LEON S. AVAKIAN, Inc.
 Consulting Engineers

0 0.07 0.15 0.3 0.45 0.6 Miles

Existing Land Use
 Vacant Land Adjustment
 Borough of Manasquan
 Monmouth County, New Jersey

Appendix B: Trenton Partners Draft Ordinance

AN ORDINANCE ESTABLISHING CHAPTER 35 (ZONING), SECTION 35-5.25 (AR-3 AFFORDABLE HOUSING ZONE) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Manasquan seeks to provide affordable housing in order to satisfy Round Four requirements.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.25, "Affordable Housing AR-3 Zone (AR-3 Zone)" of the Code of the Borough of Manasquan is hereby established as follows:

The purpose of the Affordable Housing AR-3 Zone ("AR-3 Zone") is to provide for the development of a multi-family inclusionary development designed to assist the Borough in satisfying its combined Round 4 (2025-2035) Realistic Development Potential ("RDP") affordable housing obligation through construction of affordable units set aside for low and moderate income households. The AR-3 Zone shall comprise the following tax lot: Lot 57.01, Block 81.

- a. Permitted principal uses. Multi-Family Residential within a mixed-use building. A maximum of twenty-four (24) units are permitted, five (5) of the units shall be low- and moderate-income.
- b. Permitted accessory uses.
 1. Off-street parking facilities.
 2. Other uses that are customarily incidental to a permitted principal use. No sheds are permitted on the property.
 3. Common facilities and amenities serving the residents of the multi-family developments including swimming pools and other on-site recreational areas and facilities, common walkways, sitting areas and gardens, and other similar uses.
 4. Fences and walls erected, maintained or planted no greater than six (6) feet above ground level within a side or rear yard, and no greater than four (4) feet within a front yard, and otherwise in accordance with the standards of Section 35-7.5.
 5. Bike racks.
 6. Solid waste and recycling area, setback at least five (5) feet from any rear yard or side yard. No setback from the parking area is required. The area shall be screened from view from a public right-of-way by a combination of block and chain link fence, and shall have gated access.
 7. Site lighting. The arrangement of exterior lighting shall adequately illuminate parking areas, and prevent glare to adjoining residential areas.
- c. Prohibited uses.
 1. Parking or storage of boats, boat trailers, motor homes, taxi cabs, limousines, construction equipment, commercial vehicles and recreational vehicles.
- d. Bulk, area and building requirements.

1. Minimum lot size	20,000 square feet
2. Minimum lot frontage	100 feet
3. Minimum lot depth	75 feet
4. Minimum front yard setback	10 feet
5. Minimum one side yard setback	5 feet
6. Minimum rear yard setback	5 feet
7. Maximum building height	40 feet / 3.5 stories ¹
8. Maximum building coverage	65%
9. Maximum lot coverage	85%
10. Minimum parking setback from side lot line	5 feet

¹ Chimneys and cupolas are not counted towards building height.

11. Minimum parking setback rear from lot line 5 feet

- e. Site access, off-street parking, and loading requirements.
 - 1. One site access driveway shall be provided with a minimum width of 22 ft.
 - 2. Number of spaces, shall be 1.7 parking spaces per unit.
 - 3. Parking shall be in the rear yard, and may also be provided beneath the principal building, without setback from a principal or accessory building.
 - 4. No Loading space is required.
- f. Landscape Buffer. Adjacent to a residential zone a ten (10) foot buffer, a 5 foot portion of which must be planted, landscaped and provides irrigation. Landscaping along the public right-of-way is not required.
- g. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted with a maximum sign area of five (5) square feet
- h. Design Standards. A multi-family building should have a unified theme, displayed through the application of common building materials.
- i. Miscellaneous. The standards of Section 35-7.9 b and e shall not apply.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2588-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Nancy Acciavatti, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026

Michael W. Mangan
Mayor

Appendix C: 29 Taylor Draft Ordinance

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AN ORDINANCE ESTABLISHING CHAPTER 35 (ZONING), SECTION 35-5.26 (AR-4 AFFORDABLE HOUSING ZONE) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Manasquan seeks to provide affordable housing in order to satisfy Round Four requirements.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.26, "Affordable Housing AR-4 Zone (AR-4 Zone)" of the Code of the Borough of Manasquan is hereby established as follows:

The purpose of the Affordable Housing AR-4 Zone ("AR-4 Zone") is to provide for the development of a multi-family inclusionary development designed to assist the Borough in satisfying its combined Round 4 (2025-2035) Realistic Development Potential ("RDP") affordable housing obligation through construction of affordable units set aside for low and moderate income households. The AR-4 Zone shall comprise the following tax lot: Lot 9, Block 62.

- a. Permitted principal uses. Townhouse Residential. A maximum of fourteen (14) units are permitted, three (3) of the units shall be low- and moderate-income.
- b. Permitted accessory uses.
 - 1. Off-street parking facilities.
 - 2. Other uses that are customarily incidental to a permitted principal use. No sheds are permitted on the property.
 - 3. Common facilities and amenities serving the residents of the multi-family developments including swimming pools and other on-site recreational areas and facilities, common walkways, sitting areas and gardens, and other similar uses.
 - 4. Fences and walls erected, maintained or planted no greater than six (6) feet above ground level within a side or rear yard, and no greater than four (4) feet within a front yard, and otherwise in accordance with the standards of Section 35-7.5.
 - 5. Bike racks.
 - 6. Solid waste and recycling area, setback at least five (5) feet from any rear yard or side yard. No setback from the parking area is required. The area shall be screened from view from a public right-of-way by a combination of block and chain link fence, and shall have gated access.
 - 7. Site lighting. The arrangement of exterior lighting shall adequately illuminate parking areas, and prevent glare to adjoining residential areas.
- c. Prohibited uses.
 - 1. Parking or storage of boats, boat trailers, motor homes, taxi cabs, limousines, construction equipment, commercial vehicles and recreational vehicles.
- d. Bulk, area and building requirements.
 - 1. Minimum lot size 20,000 square feet
 - 2. Minimum lot frontage 100 feet
 - 3. Minimum lot depth 200 feet
 - 4. Minimum front yard setback 25 feet
 - 5. Minimum one side yard setback 10 feet
 - 6. Minimum both side yard setback 25 feet
 - 7. Minimum rear yard setback 25 feet
 - 8. Maximum building height 40 feet / 3.5 stories¹

¹ Chimneys and cupolas are not counted towards building height.

9. Maximum building coverage	50%
10. Maximum floor area ratio	1.5
11. Maximum lot coverage	80%
12. Minimum parking setback from side lot line	5 feet
13. Minimum parking setback rear from lot line	10 feet
14. Minimum drive aisle setback from a side lot line	4 feet

- e. Site access, off-street parking, and loading requirements.
 - 1. One site access driveway shall be provided with a minimum width of 22 ft.
 - 2. Number of spaces, shall be 1.7 parking spaces per unit.
 - 3. Parking shall be in the rear yard, and may also be provided beneath the principal building, without setback from a principal or accessory building.
 - 4. No Loading space is required.
- f. Landscape Buffer. Adjacent to a residential zone a ten (10) foot buffer, a 5 foot portion of which must be planted, landscaped and provides irrigation. Landseaping along the public right-of-way is not required.
- g. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted with a maximum sign area of five (5) square feet
- h. Design Standards. A multi-family building should have a unified theme, displayed through the application of common building materials.
- i. Miscellaneous. The standards of Section 35-7.9 b and e shall not apply.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2588-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Nancy Acciavatti, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026

Michael W. Mangan
Mayor

Appendix D: Jersey Mikes Draft Ordinance

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-5.20 (AH-O AFFORDABLE HOUSING OVERLAY ZONE) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO ESTABLISH INFILL MULTIFAMILY STANDARDS WITHIN THE AH-O AFFORDABLE HOUSING OVERLAY ZONE.

WHEREAS, the Borough of Manasquan seeks to provide clear bulk and coverage standards for smaller parcels within the Affordable Housing Overlay (AH-O) Zone; and

WHEREAS, these standards are intended to support transit-accessible housing consistent with the Borough's Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.20, "AH-O Affordable Housing Overlay Zone," of the Code of the Borough of Manasquan is hereby amended to add a new subsection, 35-5.20(i), as follows:

§ 35-5.20(i) Infill Multifamily Standards

1. **Purpose.** The purpose of this subsection is to provide clear bulk, height, coverage, and parking standards for AH-O parcels that are suitable for multifamily and mixed-income development permitted within the overlay. These standards establish an appropriate infill residential form that complements surrounding neighborhood conditions, reflects existing lot configurations within the AH-O, and supports transit-accessible housing consistent with the Borough's Housing Element and Fair Share Plan.
2. **Applicability.** The standards of this subsection shall apply to all lots within the AH-O Overlay Zone that meet all of the following criteria:
 - (a) The lot contains 0.50 acres or less;
 - (b) The lot fronts on a local or collector street, rather than Route 71 or Main Street; and
 - (c) The lot is located within a half-mile of a rail station, bus stop, or public parking facility.
3. **Permitted Uses.** The following uses are permitted on qualifying AH-O lots:
 - (a) Multifamily residential buildings;
 - (b) Mixed-use buildings with ground-floor nonresidential uses;
 - (c) All principal, accessory, and conditional uses permitted in the AH-O Zone.
4. **Bulk, Height, and Coverage Standards.** The following standards shall apply to all qualifying AH-O lots:
 - (a) Minimum lot area: 15,000 square feet
 - (b) Minimum lot frontage: 150 feet
 - (c) Maximum density: 28 units per acre
 - (d) Maximum building height: 35 feet
 - (e) Maximum building height (stories): 3 stories
 - (f) Minimum front yard setback: 13 feet
 - (g) Minimum side yard setback (each): 4 feet
 - (h) Minimum combined side yard: 8 feet
 - (i) Minimum rear yard setback: 10 feet
 - (j) Maximum building coverage: 35%
 - (k) Maximum lot coverage: 75%
 - (l) Minimum off-street parking: 25 parking spaces
5. **Relationship to Underlying Zoning.** For lots meeting the criteria in subsection (2), the standards of this subsection shall apply in lieu of the bulk, height, coverage, and parking standards of the underlying zoning district. All other AH-O and general zoning requirements remain in effect.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2591-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

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Passed on First Reading and Introduction: March 2, 2026
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Michael W. Mangan
Mayor

Appendix E: Adopted Affordable Housing Ordinances

AFFORDABLE HOUSING ORDINANCE

Borough of Manasquan

County of Monmouth

A. Introduction Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Manasquan consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Borough of Manasquan Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution

requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques,

such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

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

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

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

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

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

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-1.19 et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

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

"Non-residential development" means:

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

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

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

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

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

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

"Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

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

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

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

controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

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

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

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

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

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

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

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

abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

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

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

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

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

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

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

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

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

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

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Monitoring and Reporting Requirements

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

D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.

3. All such affordable units shall be governed by this ordinance (Borough of Manasquan, New Jersey, Municipal Code, § 35-38.2) the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
 4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
 5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
 6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
 7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.
- E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.
1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

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

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
- a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools,

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

fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

- vii. Each bedroom in each restricted unit must have at least one window; and
- viii. Restricted units must include adequate air conditioning and heating.

4. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

5. Low/moderate split and bedroom distribution.

- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The municipality has chosen to not allow rounding.
- c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
- d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded up or down, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded up or down shall be two-bedroom units. The municipality has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded up or down shall be three-bedroom units. The municipality has chosen to allow rounding.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

F. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the

control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.

- d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L. 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
- a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units .
 - b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - c. Rents of accessory apartments shall be established for moderate-income units to be affordable to households earning no more 60 percent of median income.
 - d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.

- f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Market to Affordable program (per N.J.A.C. 5:97-6.9).
- a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
 - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
 - e. The units shall comply with UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
 - f. Affordability average (N.J.A.C. 5:80-26.4); however:
 - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
5. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;

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

- i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
- iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- v. Occupancy shall not be restricted to youth under 18 years of age.
- vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

- (a) An Affirmative Marketing Plan in accordance with D1 above; and
- (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

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

G. Regional Income Limits.

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

H. Maximum Initial Rents And Sales Prices.

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

average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

7. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
8. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
9. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
10. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
11. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30

percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

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

I. Affirmative Marketing.

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

units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- J. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
 2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

K. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.
- L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.
 1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
 2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
 3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
 4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
 5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
 6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
 7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

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

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

N. Buyer Income Eligibility.

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

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments
- O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
 2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).
- P. Control Periods for Restricted Rental Units.
1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
 2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
 3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
 5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
 6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
 7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.
- Q. Rent Restrictions for Rental Units; Leases and Fees.
1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
 2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
 3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
 4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
 5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

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

S. Municipal Housing Liaison.

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

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

T. Administrative Agent.

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

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

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

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

U. Responsibilities of The Owner of a development containing affordable units.

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

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

V. Enforcement of Affordable Housing Regulations

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

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

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

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

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

W. Development Fees.

1. Purpose
 - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
2. Basic Requirements
 - a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
 - b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Residential Development Fees
 - a. Imposed fees
 - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
 - ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance

application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

- b. Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion 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.
 - iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

4. Non-Residential Development Fees

- a. Imposition of fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
 - b. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 - ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
 - d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-

RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
 - d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
 - e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
 - f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 - g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
 - h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
6. Appeal of development fees
- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - vi. Revocation of compliance certification or a judgment of compliance and repose;
 - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

- viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program

and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

9. Monitoring

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

10. Ongoing Collection of Fees

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

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

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

Appendix F: Affordable Housing Zoning Ordinances

**BOROUGH OF MANASQUAN
ORDINANCE 2586-26**

AN ORDINANCE OF THE BOROUGH OF MANASQUAN REPEALING AND REPLACING CHAPTER 35-36 OF THE CODE OF THE BOROUGH OF MANASQUAN ENTITLED "AFFORDABLE HOUSING REGULATIONS"

WHEREAS, Chapter 35-36 (Affordable Housing Regulations) of the Code of the Borough of Manasquan has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes Borough wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the Borough or the Borough Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

BE IT ORDAINED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that Chapter 35-36 (Affordable Housing Regulations) of the Code of the Borough of Manasquan is hereby repealed and replaced as follows:

Section 1. Chapter 35-36, Affordable Housing Regulations, of the Code of the Borough of Manasquan, shall be repealed and replaced as follows:

§35-36 Affordable Housing Regulations.

a. Introduction and Applicability.

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

proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.

- b) This Ordinance shall also apply to any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- c) Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

b. Definitions.

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

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

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

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

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

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

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

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

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

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

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

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-

lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

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

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

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

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

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income

housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of very low-, low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Non-residential development” means:

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

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

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

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

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

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are

not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out

of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

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

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

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

"Treasurer" means the Treasurer of the State of New Jersey.

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

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

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

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

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

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

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

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

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

c. Monitoring and Reporting Requirements.

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a) The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - b) On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - c) On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.
- d. Municipality-wide Mandatory Set-Aside.
 1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of twenty percent (20%).
 2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
 3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
 4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
 5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
 6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
 7. In the event that the inclusionary set-aside of twenty percent (20%) of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a) The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b) If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial proformas for one hundred percent (100%) affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a twenty percent (20%) set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

- e. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

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

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

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a) Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

- iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b) above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhomes may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a) Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.

- a) Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b) In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
 - c) Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d) Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 - e) Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a) Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b) Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

- iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
 - vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
- f. Affordable Housing Programs/Compliance Techniques.
1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
 2. Accessory Apartment Program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
 - a) Purpose and zoning districts. It is the purpose of this section to allow accessory apartments within all zones located in the Borough to provide for the development of affordable housing to meet the affordable housing needs of very low-, low- and moderate-income residents. This mechanism allows for the use of the Borough's existing and proposed dwellings and accessory buildings to be utilized for affordable housing opportunities. Accessory apartments shall be subject to the bulk and yard requirements of the zone in which the unit is located.

- b) Accessory apartments shall be permitted within the new or existing principle dwelling building or within an existing accessory building that contains an existing dwelling unit.
 - c) The minimum floor area for any accessory apartment shall be 350 square feet.
 - d) Floor area ratio requirements shall not apply to existing building conversions. Floor area ratio requirements shall apply to expansions or new construction.
 - e) Principal buildings shall have only one principal access entry orientated towards the street on which it fronts, and the accessory apartment access shall be provided so that it has a separate distinct entry which does not detract from the character of the principal building. It is the intent to provide accessory apartments while preserving the character of the neighborhood and principal building.
 - f) Parking shall be provided in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21-4.14).
 - g) Accessory apartments shall contain at minimum: Living/sleeping space, cooking facilities with kitchen sink and complete bathroom with shower and sanitary facilities.
 - h) Compliance with affordable housing regulations.
 - i. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - ii. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.
 - iii. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - iv. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - v. Compliance with all other applicable affordable housing requirements set forth herein is required.
 - i) Administration.
 - i. The Borough of Cape May shall designate an administrative entity by municipal resolution to administrate the accessory apartment program.
 - ii. Administration duties shall be in accordance with applicable requirements as set forth herein.
 - iii. The municipality shall provide from its Affordable Housing Trust Fund or some other source, \$25,000 to subsidize the creation of a moderate income accessory apartment unit, \$35,000 to subsidize the creation of a low-income accessory apartment unit, or \$50,000 to subsidize the creation of a very low-income accessory apartment unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
 - j) Review. Applicants for the creation of an accessory apartment shall submit plans of building(s) showing layout of accessory apartment and principal building, entry location, and elevations showing entry locations. A site development plan shall be provided to demonstrate compliance with zoning and parking regulations. Supplemental information demonstrating compliance with this section is required.
3. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (n); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- a) An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:

- i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
 2. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e) Low- and moderate-income residents cannot be charged any upfront fees.
 - f) The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
 3. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
 - a) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
 - iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - v. Occupancy shall not be restricted to youth under 18 years of age.
 - vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with section i above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
 - xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.
- g. Regional Income Limits.
1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
 2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
 3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

h. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a) A studio or efficiency unit shall be affordable to a one-person household;
 - b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - c) A two-bedroom unit shall be affordable to a three-person household;
 - d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e) A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a) A studio or efficiency unit shall be affordable to a one-person household;
 - b) A one-bedroom unit shall be affordable to a one and one-half person household; and

- c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.
- i. Affirmative Marketing.
 1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
 2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
 3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a) Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b) There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Monmouth, and Ocean Counties.
 - c) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

- d) With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
 4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc.; the Greater Red Bank, Ashury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP; and the Supportive Housing Association.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- j. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
 2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- k. Occupancy Standards.
1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b) Provide a bedroom for every two adult occupants;
 - c) With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and

- d) Avoid placing a one-person household into a unit with more than one bedroom.

l. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

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

m. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a) The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income,

effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- c) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d) No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.
- n. Buyer Income Eligibility.
1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
 2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then

advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c) The household is currently in substandard or overcrowded living conditions;
 - d) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

o. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

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

p. Control Periods for Restricted Rental Units.

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

on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a) Sublease or assignment of the lease of the unit;
 - b) Sale or other voluntary transfer of the ownership of the unit;
 - c) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d) The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

r. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.

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

s. Municipal Housing Liaison.

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

t. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program

and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.

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

- iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e) Records retention.
- i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f) Resales and re-rentals.
- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g) Processing requests from unit owners.
- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h) Enforcement.
- i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i) The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.
- u. Responsibilities of The Owner of a development containing affordable units.
1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

- a) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b) The total number of units in the project and the number of affordable units.
 - c) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e) A projected construction schedule.
 - f) The location of any common areas and elevators.
 - g) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to 1 above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
 - a) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b) Provide to the administrative agent a description of any applicable fees.
 - c) Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d) Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e) Provide to the administrative agent a proposed form of lease for any rental units.
 - f) Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
 3. In addition to 1, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
 - a) Proposed pricing for all units, including any purchaser options and add-on items.
 - b) Condominium or homeowner association fees and any other applicable fees.
 - c) Estimated real property taxes.
 - d) Sewer, water, trash disposal, and any other utility assessments.
 - e) Flood insurance requirement, if applicable.
 - f) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.
- v. Enforcement of Affordable Housing Regulations.
1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction,

municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$2,000 per day or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall

belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

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

w. Appeals.

- 1. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A

decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Section 2. Chapter 35-38A (Affordable Housing Mandatory Set-Aside) and Chapter 35-38B (Accessory Apartments) is hereby repealed in its entirety.

Section 3. Invalidity.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

Introduced: March 2, 2026.

Passed and Approved: March 16, 2026.

Attest:

Attest:

Nancy Acciavatti
Borough Clerk

Michael Mangan
Mayor

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2586-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026 and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Nancy Acciavatti, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026

Michael W. Mangan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2587-26**

AN ORDINANCE OF THE BOROUGH OF MANASQUAN REPEALING AND REPLACING CHAPTER 35-35 OF THE CODE OF THE BOROUGH OF MANASQUAN ENTITLED "MANDATORY AFFORDABLE HOUSING DEVELOPMENT FEES"

WHEREAS, Chapter 35-35 (Mandatory Affordable Housing Development Fees) of the Code of the Borough of Manasquan has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq. and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan;

BE IT ORDAINED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that Chapter 35-35 (Mandatory Affordable Housing Development Fees) of the Code of the Borough of Manasquan is hereby repealed and replaced as follows:

Section 1. Chapter 35-35 (Mandatory Affordable Housing Development Fees) of the Code of the Borough of Manasquan, shall be repealed and replaced as follows:

§ 35-35.1 Purpose.

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

§ 35-35.2 Basic Requirements.

- A. The municipality previously adopted a Development Fee Ordinance, which established the Municipal Affordable Housing Trust Fund.
- B. The municipality shall not spend development fees until the court has approved a Spending Plan for spending such fees.

§ 35-35.3 Definitions.

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

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

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

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

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special

assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Non-residential development” means:

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

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

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

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

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

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

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

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

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

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

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

§ 35-35.4 Residential Development Fees.

A. Imposed fees:

1. In the R-1, R-2, and R-3 One-Family Residential, R-4 Beachfront One-Family Residential, R-5 One-Family, R-M Multi-Family Residential, and R-PM Planned Multi-Family Residential Zones, where a developer develops land for residential purposes and receives no right to increased density, the developer shall pay a development fee of 0.5% of the equalized assessed value for residential development. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 0.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

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 an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, e.2, shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a building permit shall be synonymous with preliminary or

final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the building permit is issued.

3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion 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.
 - a. Residential additions and expansions that result in an increase in equalized assessed value (EAV) that are equal to, or less than, 50% of the EAV of the original structure shall not be subject to a fee, provided that the expansion does not increase the number of dwelling units. However, if a property owner applies for two or more construction permits within a five-year period, then the cumulative increase in EAV compared to the EAV of the original structure shall be used to determine the percentage increase in the EAV.

Example: If in Year One, the EAV is \$200,000, and the property owner constructs an addition which increases the EAV to \$300,000, then the addition is exempt from the payment of a development fee since the increase in equalized assessed value of \$100,000 is 50% of the EAV of the original structure.

$(\$300,000 - \$200,000 = \$100,000)$ which is equal to 50% of the EAV of the original structure $(\$100,000/\$200,000 = 0.50$ or 50%).

If in Year Three, the property owner seeks to construct a second addition that increases the EAV by an additional \$50,000, then the property owner would have to pay a development fee because the cumulative increase to the original EAV is more than 50%. In that case, the fee would be based on the total cumulative increase in EAV of \$150,000.

$(\text{Original EAV } (\$200,000) + \text{EAV increase of Year One addition } (\$100,000) + \text{EAV increase of Year Three } (\$50,000) = \text{New EAV } (\$350,000)).$ New EAV $(\$350,000) - \text{Original EAV } (\$200,000) = \text{Cumulative EAV Increase } (\$150,000)$ which is equal to 75% of the EAV of the original structure $(\$150,000/\$200,000 = 0.75$ or 75%).

4. The Borough exempts the following types of development from residential development fees:
 - (a) Nonprofit organizations, which have received tax exempt status pursuant to Section 501(c) 3 of the Internal Revenue Code, providing evidence of that status is submitted to the Borough Clerk and the Borough Tax Assessor together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay such charges.
 - (b) Federal, State, County, and local governments.
 - (c) Reconstruction of existing owner occupied residential structures as a result of fire, flood or natural disaster.

§ 35-35.4 Non-Residential Development Fees.

A. Imposition of fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value

resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- B. Eligible exactions, ineligible exactions and exemptions for non-residential development
1. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 3. Developers of the following specific uses shall be exempt from development fees: not-for-profit uses; federal, state and municipal government uses; churches and other places of worship; and public schools.
 4. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
 5. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 6. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§ 35-35.5 Collection Procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the Tax Assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 20 days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Manasquan fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

§ 35-35.6 Appeal of Development Fees.

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

§35-35.7 Affordable Housing Trust Fund.

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

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

§35-35.8 Use of Funds.

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

2. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§35-35.9 Monitoring.

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

§35-35.10 Ongoing Collection of Fees.

A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification, or a Judgment of Compliance and Repose, or the good faith effort to obtain either one.

B. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Compliance Certification or its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

§35-35.11 Emergent Affordable Housing Opportunities.

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

Section 2. Invalidity.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth

2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

Introduced: March 2, 2026.

Passed and Approved: March 16, 2026.

Attest:

Attest:

Nancy Acciavatti
Borough Clerk

Michael Mangan
Mayor

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2587-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026 and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Nancy Acciavatti, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026

Michael W. Mangan
Mayor

Appendix G. Spending Plan

MANASQUAN BOROUGH
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN
January 2026

The Borough of Manasquan has a history of compliance with its Mount Laurel affordable housing obligation and has previously implemented all necessary ordinances for establishing an affordable housing trust fund financed through the collection of mandatory development fees to assist in accomplishing the provision of affordable housing.

The Borough has prepared a Fourth Round Housing Element and Fair Share Plan that advances a comprehensive strategy for meeting its regional share of affordable housing need in accordance with the intent of 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), and in accordance with the procedural and substantive requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq. The Borough has actively participated in the Fourth Round compliance process.

The Borough's existing development fee ordinance, codified as Chapter 35, Section 35 of the Borough's Municipal Code, most recently revised in 2024, will be updated and continue to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund. 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).

I. Projected Revenues 2025 through 2035

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in the amount of development fees collected to date.

As of December 31, 2024, the Borough had a balance of \$908,152.16 in the trust fund account. Averaging expenditures for 2000 through 2024, the Borough has expended an average of \$62,196.99 per year and had an average income of \$99,901.09 per year in development fees and interest. The average annual development fee collected over this period was \$91,139.93. This figure, in combination with the fund's interest rate, provides a reasonable estimate for anticipated annual development fee revenues through 2035.

The Borough of Manasquan projects a total of \$1,348,058.95 in revenue and interest to be collected from January 1, 2025 to December 31, 2035. This projected amount, when added to the trust fund balance from December 31, 2024, results in an anticipated total revenue of \$2,256,211.11 available to fund and administer the Borough's affordable housing plan and programs. All interest earned on the account shall accrue to the account and be used only for the purposes of affordable housing. See the Projected Revenues Table, appended to the

end of this Spending Plan.

II. Administrative Mechanisms for Collecting and Distributing Revenues

The Borough's Development Fee Ordinance is recorded in Chapter 35, Subsections 34 through 38 of Manasquan's General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

1. Determination of residential development fees;
2. Determination of non-residential development fees;
3. Fee collection procedures;
4. Operation of the affordable housing trust fund;
5. Permitted uses of funds;
6. Monitoring; and
7. Ongoing collection of fees as related to affordable housing compliance.

III. Anticipated Use of Development Fees

As per the Borough's ordinance, development fees shall be used for the sole purpose of providing low- and moderate-income housing. Funding mechanisms can be set up as a grant or revolving loan program to cover costs associated activities including, but not limited to, the following:

1. Preservation or purchase of housing for maintaining or implementing affordability controls;
2. Rehabilitation grants;
3. New construction of affordable housing units and related costs;
4. Implementing accessory apartment, market to affordable, or regional housing partnership programs;
5. Conversion of existing non-residential buildings to create new affordable units;
6. Green building strategies designed to be cost saving and in accordance with accepted national or State standards;
7. Purchase of land or improvement of land to be used for affordable housing;
8. Extensions or improvements of roads and infrastructure to affordable housing sites;
9. Financial assistance designed to increase affordability; and
10. Administration necessary for implementation of the Housing Element and Fair Share Plan.

(A) Anticipated Rehabilitation and New Construction Projects

As discussed in the Housing Element and Fair Share Plan, Manasquan has a rehabilitation present need obligation of zero (0) units in the Fourth Round.

(B) Affordability Assistance Requirement

The Borough anticipates dedicating \$677,100.00 to its affordability assistance program.

As per the requirements of N.J.A.C. 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

Table 1. Minimum Affordability Assistance

Trust fund balance as of 01/01/25	\$908,152.16
Projected development fees plus interest, 2025 - 2035	\$1,426,656.04
PROJECTED TOTAL	\$2,334,808.20
Projected minimum affordability assistance requirement (30%)	\$ 700,442.46
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 233,480.80

Affordability assistance programs may include down payment assistance; security deposit assistance; low interest loans; rental assistance; assistance with homeowner’s association or condominium fees and special assessments; and assistance with emergency repairs.

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

(C) Administrative Expenses

Manasquan Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with N.J.A.C. 5:93-8.16,

the Borough can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

The projected maximum administrative expenditures through 2035 is calculated as follows:

Table 2. Maximum Administrative Expenditures

Trust fund balance as of 01/01/25	\$908,152.16
Projected development fees plus interest, 2025-2035	\$1,426,656.04
PROJECTED TOTAL	\$2,334,808.20
Projected maximum administrative expenditures (20%)	\$ 466,961.64

IV. Expenditure Schedule

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

V. Excess of Funds

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance programs.

VI. Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed within the Affordable Housing Ordinance.

VII. In Sum

Manasquan has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$908,152.16 as of January 1, 2025 and anticipates an additional \$1,426,656.04 in revenues, including interest, by December 31, 2035 for a total of \$2,334,808.20. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$1,169,908.20, which the Borough will

reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.

Table 3: Housing Trust Fund Borough of Manasquan, New Jersey									
Projected Revenues for 2025-2035									
Funding Source	2025	2026	2027	2028	2029	2030	2031	2032	2033
AHTF Balance as of 12/31/24	\$ 908,152.16								
Projected Development Fees	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93
Pmts in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on total account balance (3.75%)	\$ 33,502.20	\$ 34,758.54	\$ 35,508.48	\$ 36,286.54	\$ 37,093.79	\$ 42,652.49	\$ 38,977.27	\$ 39,885.41	\$ 40,027.61
Total	\$ 1,032,794.29	\$ 125,898.47	\$ 126,648.41	\$ 127,426.47	\$ 128,233.72	\$ 133,792.42	\$ 130,117.20	\$ 131,025.34	\$ 131,967.54
Projected Expenditures for 2025-2035									
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033
Rehabilitation Program									
Affordability Assistance	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00	\$ 63,900.00
Administrative Costs	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00
Total	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00	\$ 105,900.00
<i>Projected Balance available for Future Projects and Programs</i>									

Appendix H. Affirmative Marketing Plan

**BOROUGH OF MANASQUAN
RESOLUTION NO. 2019-**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
MANASQUAN ADOPTING AN “AFFIRMATIVE
MARKETING PLAN” FOR THE BOROUGH OF
MANASQUAN**

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Manasquan and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled In the Matter of the Application of the Borough of Manasquan, County of Monmouth, Docket No. MON-L-2508-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(“Mount Laurel IV”), the Borough of Manasquan is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 4, the Housing Region encompassing the Borough of Manasquan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Manasquan shall be marketed in accordance with the provisions herein.
- B. The Borough of Manasquan has a plan to address both its Prior Round Obligation (1987-1999) and its Third Round Obligation (1999-2025). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Borough’s Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Manasquan, or the Administrative Agent of any specific developer. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Borough Administrative Agent.
- D. The implementation of the Affirmative 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 Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

- E. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Manasquan or on behalf of a specific developer, shall undertake, at the minimum, all of the following strategies:
 - 1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 - 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.

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

- G. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 - 1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in the Asbury Park Press and The Trentonian.
 - 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers the first week of the marketing program. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 - 3. The advertisement shall include a description of the:

- a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Monmouth County, and the other two of which shall be circulated primarily outside of Monmouth County but within the housing region.
 5. Broadcast of at least one advertisement by a radio or television station listed in Exhibit A. The Administrative Agent working on behalf of the developer of each affordable housing project in the Borough must provide satisfactory proof of public dissemination.
- H. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Manasquan Borough Hall
 2. Manasquan Borough Web Site
 3. Manasquan Library
 4. Developer's Sales/Rental Offices
 5. Mercer County Office on Aging.
 6. Monmouth County Office on Aging.
 7. Ocean County Office on Aging.
 8. Mercer County Library Headquarters.

9. Monmouth County Library Headquarters.
10. Ocean County Library Headquarters.

Applications shall be mailed by the Borough's Administrative Agent and Municipal Housing Liaison, or by the Administrative Agent of any specific developer, to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call.

- I. The Borough's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Mercer, Monmouth 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 major regional employers identified in Exhibit B.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Mercer County Board of Realtors
Monmouth County Board of Realtors
Ocean County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the Counties of Mercer, Monmouth and Ocean:

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Exhibit B.

4. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Township to the organizations listed in attached Exhibit B including those listed below:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002).

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203).

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728).

STEPS (14 Clifton Ave South, Lakewood, NJ 08701).

OCEAN, Inc.(22 Hyers Street, Toms River, NJ 08753).

The Greater Red Bank NAACP (Navesink, NJ 07752).

Asbury Park/Neptune NAACP (PO Box 1143, Asbury Park, NJ 07712).

Bayshore NAACP (PO Box 865, Matawan, NJ 07747).

Greater Freehold NAACP (PO Box 246, Marlboro Annex, NJ 07746).

Greater Long Branch NAACP (38 Memorial Parkway, Long Branch NJ 07740).

Trenton Branches of the NAACP (117 Cadwalader Dr, Trenton, NJ 08618).

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079).

- J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Borough's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16 (l). This Affirmative Marketing Plan provides a regional preference for very low, low and moderate income households that live and/or work in Housing Region 4, which is comprised of Mercer, Monmouth and Ocean Counties.
- K. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall administer the Affirmative Marketing Plan. The 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 as per N.J.A.C. 5:80-26-1, et seq.
- L. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, 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.

- M. All developers/owners of very low, low and moderate income housing units 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 Borough's Administrative Agent.
- N. The Borough's Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and attached Exhibits A, B and C.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Mayor, Borough of Manasquan

I, _____, Borough Clerk of the Borough of Manasquan, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Borough Clerk, Borough of Manasquan

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
 For Affordable Housing in (REGION 4)
BOROUGH OF MANASQUAN

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number CGP&H 101 Interchange Plaza, Suite 301 Cranbury, NJ 08512 609-664-2769 ext 19		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From \$ To Be Determined To \$ To Be Determined	1e. State and Federal Funding Sources (if any) N/A	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Mercer, Monmouth, Ocean		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any): Application fee applies to conduct credit and criminal background checks.			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

<p>2. Describe the random selection process that will be used once applications are received. The Administrative Agent will assign random numbers to each applicant through a computerized random number generator.</p> <p>After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date the household submitted their preliminary application (Interest Date).</p> <p>In addition to the random number assigned to the household and/or the interest date, there are other factors impacting waiting priority which are described below.</p> <ul style="list-style-type: none"> • Regional Preference: Applicants that indicated that they lived or work in the Affordable Housing Region will be contacted first. Once those applicants are exhausted, applicants outside the region will be contacted. • Veterans Preference: If there is an executed agreement between the developer or landlord and the Borough, duly qualified veterans will also be given preference according to the terms of the agreement. • Household Size: Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no in or out region households with a person for each bedroom size, units will be offered to smaller sized households that do not have a person for each bedroom. The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor. A household can be eligible for more than one unit category.
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- **Fully Accessible Units:** A household with a person with physical disabilities will get preference on the waiting list because of the very limited number of accessible units. If there is more than one household with a person with physically disabilities on the waiting list, in region households with a person for each bedroom will be contacted first. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. Websites: Post on the following websites at initial occupancy and as needed:

X HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing

X Borough of Manasquan Website (<https://www.manasquan-nj.gov/>)

X Affordable Homes New Jersey (CGP&H) website (<https://www.affordablehomesnewjersey.com/>)

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL HOUSING REGION 4			
Daily Newspaper			
<input type="checkbox"/>		Trenton Times	Mercer
<input checked="" type="checkbox"/>		Trentonian	Mercer
<input checked="" type="checkbox"/>		Asbury Park Press	Monmouth, Ocean
		Ocean County Observer	Ocean
Weekly Newspaper			
<input type="checkbox"/>		Ewing Observer	Mercer
<input type="checkbox"/>		Hopewell Valley News	Mercer
<input type="checkbox"/>		Lawrence Ledger	Mercer
<input type="checkbox"/>		Pennington Post	Mercer
<input type="checkbox"/>		Princeton Town Topics	Mercer
<input type="checkbox"/>		Tempo Mercer	Mercer
<input type="checkbox"/>		Trenton Downtowner	Mercer
<input type="checkbox"/>		Windsor Heights Herald	Mercer
<input type="checkbox"/>		West Windsor-Plainsboro News	Mercer, Middlesex
<input type="checkbox"/>		Princeton Packet	Mercer, Middlesex, Somerset
<input type="checkbox"/>		Messenger-Press	Mercer, Monmouth, Ocean
<input type="checkbox"/>		Woodbridge Sentinel	Middlesex

■		Atlanticville	Monmouth
■		Coaster	Monmouth
■		Courier	Monmouth
■		Examiner	Monmouth
■		Hub, The	Monmouth
■		Independent, The	Monmouth
■		News Transcript	Monmouth
■		Two River Times	Monmouth
■		Coast Star, The	Monmouth, Ocean
■		Beach Haven Times	Ocean
■		Beacon, The	Ocean
■		Berkeley Times	Ocean
■		Brick Bulletin	Ocean
■		Brick Times	Ocean
■		Jackson Times	Ocean
■		Lacey Beacon	Ocean
■		Manchester Times	Ocean
■		New Egypt Press	Ocean
■		Ocean County Journal	Ocean
■		Ocean Star, The	Ocean
■		Tri-Town News	Ocean
■		Tuckerton Beacon	Ocean
■		Atlantic Highlands Herald	Monmouth
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 4			
■		2 WCBS-TV CBS Broadcasting Inc.	
■		4 WNBC NBC Telemundo License Co. (General Electric)	
■		5 WNYW Fox Television Stations, Inc. (News Corp.)	
■		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	

■		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
■		10 WCAU NBC Telemundo License Co. (General Electric)	
■		11 WPIX WPIX, Inc. (Tribune)	
■		13 WNET Educational Broadcasting Corporation	
X		58 WNJB New Jersey Public Broadcasting Authority	

TARGETS PARTIAL HOUSING REGION 4

■		25 W25AW WZBN TV, Inc.	Mercer
■		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Mercer
■		60 WBPH-TV Sonshine Family Television Corp	Mercer
■		63 WMBC-TV Mountain Broadcasting Corp.	Mercer
■		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Mercer
■		41 WXTV WXTV License Partnership, G.P. (Univision Communications Inc.)	Mercer, Monmouth
■		3 KYW-TV CBS Broadcasting Inc.	Mercer, Ocean
■		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Mercer, Ocean
■		12 WHYY-TV WHYY, Inc.	Mercer, Ocean
■		17 WPHL-TV Tribune Company	Mercer, Ocean
■		23 WNJS New Jersey Public Broadcasting Authority	Mercer, Ocean
■		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Mercer, Ocean
■		35 WYBE Independence Public Media Of Philadelphia, Inc.	Mercer, Ocean
■		48 WGTW-TV Trinity Broadcasting Network	Mercer, Ocean
■		52 WNJT New Jersey Public Broadcasting Authority	Mercer, Ocean
■		57 WPSG CBS Broadcasting Inc.	Mercer, Ocean
■		61 WPPX Paxson Communications License Company, LLC	Mercer, Ocean
■		65 WUVP-TV Univision Communications, Inc.	Mercer, Ocean
■		25 WNYE-TV New York City Dept. Of Info Technology &	Monmouth

		Telecommunications	
■		31 WPXN-TV Paxson Communications License Company, LLC	Monmouth
■		47 WNJU NBC Telemundo License Co. (General Electric)	Monmouth
■		50 WNJN New Jersey Public Broadcasting Authority	Monmouth
■		68 WFUT-TV Univision New York LLC	Monmouth, Ocean (Spanish)
■		62 WWSI Hispanic Broadcasters of Philadelphia, LLC	Ocean
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 4			
■		Cablevision of Hamilton	Partial Mercer, Monmouth
■		Comcast of Central NJ,	Partial Mercer, Monmouth
■		Patriot Media & Communications, CNJ	Partial Mercer
■		Cablevision of Monmouth, Raritan Valley	Partial Monmouth
■		Comcast of Mercer County, Southeast Pennsylvania	Partial Middlesex
■		Comcast of Monmouth County	Partial Monmouth, Ocean
■		Comcast of Garden State, Long Beach Island, Ocean County, Toms River	Partial Ocean
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 4			
AM			
■		WWJZ 640	
■		WOR 710	
■		WABC 770	
■		WCBS 880	
■		WBBR 1130	
■		WPST 94.5	
FM			
■		WKXW-FM 101.5	
■		WPRB 103.3	
TARGETS PARTIAL HOUSING REGION 4			
AM			

■		WFIL 560	Mercer, Monmouth
■		WMCA 570	Monmouth, Ocean
■		WFAN 660	Mercer, Monmouth
■		WNYC 820	Mercer, Monmouth
■		WWBD 860	Mercer
■		WPHY 920	Mercer
■		WNTP 990	Mercer
■		WCHR 1040	Mercer
■		WOBM 1160	Monmouth, Ocean
■		WWTR 1170	Mercer
■		WPHT 1210	Mercer, Monmouth
■		WBUD 1260	Mercer, Monmouth
■		WIMG 1300	Mercer
■		WADB 1310	Monmouth, Ocean
■		WHTG 1410	Monmouth
■		WCTC 1450	Mercer, Monmouth
■		WBCB 1490	Mercer
■		WTTM 1680	Mercer, Monmouth
FM			
■		WNJT-FM 88.1	Mercer
■		WWFM 89.1	Mercer, Monmouth
■		WRDR 89.7	Monmouth, Ocean
■		WRTI 90.1	Mercer
■		WBJB-FM 90.5	Monmouth
■		WWNJ 91.1	Ocean
■		WTSR 91.3	Mercer
■		WBGD 91.9	Ocean
■		WFNY-FM 92.3	Mercer, Monmouth
■		WXTU 92.5	Mercer
■		WOBM-FM 92.7	Ocean
■		WPAT-FM 93.1	Mercer, Monmouth
■		WMMR 93.3	Mercer
■		WNYC-FM 93.9	Mercer, Monmouth

■		WYSP 94.1	Mercer
■		WJLK-FM 94.3	Monmouth, Ocean
■		WFME 94.7	Mercer, Monmouth
■		WZZO 95.1	Mercer
■		WPLJ 95.5	Mercer, Monmouth
■		WBEN-FM 95.7	Mercer
■		WRAT 95.9	Monmouth, Ocean
■		WCTO 96.1	Mercer
■		WOXR-FM 96.3	Mercer, Monmouth
■		WRDW-FM 96.5	Mercer
■		WQHT 97.1	Mercer, Monmouth
■		WSKQ-FM 97.9	Mercer, Monmouth
■		WOGL 98.1	Mercer
■		WMGQ 98.3	Mercer, Monmouth
■		WRKS 98.7	Mercer, Monmouth
■		WUSL 98.9	Mercer, Monmouth
■		WAWZ 99.1	Mercer, Monmouth
■		WBAI 99.5	Mercer, Monmouth
■		WJRZ-FM 100.1	Ocean
■		WHTZ 100.3	Mercer, Monmouth
■		WCBS-FM 101.1	Mercer, Monmouth
■		WQCD 101.9	Mercer, Monmouth
■		WIOQ 102.1	Mercer
■		WNEW 102.7	Mercer, Monmouth
■		WMGK 102.9	Mercer
■		WKTU 103.5	Mercer, Monmouth
■		WAXQ 104.3	Mercer, Monmouth
■		WWPR-FM 105.1	Mercer, Monmouth
■		WDAS-FM 105.3	Mercer, Monmouth
■		WCHR-FM 105.7	Ocean
■		WJZ 106.1	Mercer, Monmouth
■		WHTG-FM 106.3	Monmouth, Ocean

<input type="checkbox"/>		WLTW 106.7	Mercer, Monmouth
<input type="checkbox"/>		WKDN 106.9	Mercer
<input type="checkbox"/>		WWZY 107.1	Monmouth, Ocean
<input type="checkbox"/>		WBL5 107.5	Mercer, Monmouth
<input type="checkbox"/>		WWPH 107.9	Mercer

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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TARGETS ENTIRE HOUSING REGION 4

Weekly

<input checked="" type="checkbox"/>		Reporte Hispano	Central/South Jersey	Spanish-Language
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TARGETS PARTIAL HOUSING REGION 4

Weekly

<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian community

3c. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) See Exhibit B of Manasquan Affirmative Marketing Plan

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) See Exhibit B of Manasquan Affirmative Marketing Plan

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies) See Exhibit C of Manasquan Affirmative Marketing Plan
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact) See Exhibit C of Manasquan Affirmative Marketing Plan
4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHGRP/MONI/CHOICE funding).

 Name (Type or Print)
 Administrative Agent for the Borough of Manasquan

 Signature

 Date

Exhibit B: Manasquan Affirmative Marketing List

	Address 1	Address 2	City State Zip	Co.
Ewing Branch Library	61 Scotch Rd.		Ewing, NJ 08628	Mercer
Hamilton Township Free Public Library	1 Justice Samuel A. Alito, Jr. Way		Hamilton, NJ 08619	Mercer
Hickory Corner Branch Library	138 Hickory Corner Rd.		East Windsor, NJ 08520	Mercer
Hightstown Memorial Library	114 Franklin St.		Hightstown, NJ 08520	Mercer
Hopewell Branch Library	245 Pennington Titusville Rd.		Pennington, NJ 08534	Mercer
Hopewell Public Library	13 E. Broad St.		Hopewell, NJ 08526	Mercer
Lawrence Headquarters Branch	2751 Brunswick Pike		Lawrenceville, NJ 08648-3099	Mercer
NJ State Library	P.O. Box 520		Trenton, NJ 08650	Mercer
Pennington Free Public Library	30 N. Main St.		Pennington, NJ 08534	Mercer
Princeton Public Library	65 Witherspoon St.		Princeton, NJ 08542	Mercer
Princeton University Firestone Library	Public Administration Collection	Firestone A-17-J-1	Princeton, NJ 08544	Mercer
Rider University	Franklin F. Moore Library	2083 Lawrenceville Rd	Lawrenceville, NJ 08648-3099	Mercer
Robbinsville Branch Library	42 Allantown- Robbinsville Rd.		Robbinsville, NJ 08691	Mercer
Roscoe L. West Library	College of New Jersey	2000 Pennington Rd.	Ewing, NJ 08618-1499	Mercer
Trenton Free Public Library	120 Academy St.		Trenton, NJ 08608	Mercer
Twin Rivers Branch Library	276 Abbingdon Dr.		East Windsor, NJ 08520	Mercer
Asbury Park Free Public Library	500 1st Avenue		Asbury Park, NJ 07712	Monmo
Atlantic Highlands Public Library	100 First Ave.		Atlantic Highlands, NJ 07716	Monmo
Belmar Public Library	517 Tenth Ave.		Belmar, NJ 07719	Monmo
Bradley Beach Public Library	511 Fourth Ave.		Bradley Beach, NJ 07720	Monmo
Brielle Public Library	610 South St.		Brielle, NJ 08730	Monmo
Eatontown Public Library	33 Broad St.		Eatontown, NJ 07724	Monmo
Fair Haven Public Library	748 River Rd.		Fair Haven, NJ 07704	Monmo
Freehold Public Library	28 1-2 E. Main St.		Freehold, NJ 07728	Monmo
Little Silver Public Library	464 Prospect Ave.		Little Silver, NJ 07739	Monmo
Long Branch Free Public Library	328 Broadway		Long Branch, NJ 07740	Monmo
Manasquan Public Library	55 Broad St.		Manasquan, NJ 08736	Monmo
Matawan-Aberdeen Public Library	165 Main St.		Matawan, NJ 07747	Monmo
Middletown Township Public Library	55 New Monmouth Rd.		Middletown, NJ 07748	Monmo
Monmouth Beach Public Library	18 Willow Ave.		Monmouth Beach, NJ 07750	Monmo
Monmouth Co. Hall of Records	Hall of Records		Freehold, NJ 07728	Monmo
Monmouth Co. Library	125 Symmes Dr.		Manalapan, NJ 07726	Monmo
Monmouth Co. Library - Allentown	16 S. Main St.		Allentown, NJ 08501	Monmo
Monmouth Co. Library - Eastern Branch	1001 Route 35		Shrewsbury, NJ 07702	Monmo
Monmouth Co. Library- Hazlet	251 Middle Rd.		Hazlet, NJ 07730	Monmo
Monmouth Co. Library- Holmdel	4 Crawfords Corner Rd.		Holmdel, NJ 07733	Monmo
Monmouth Co. Library- Howell	318 Old Tavern Rd.		Howell, NJ 07731	Monmo
Monmouth Co. Library- Marlboro	1 Library Ct & Wyncrest Dr.		Marlboro, NJ 07746	Monmo
Monmouth Co. Library- Ocean	701 Deal Rd		Ocean, NJ 07712	Monmo
Monmouth Co. Library- Wall	2700 Allake Rd		Wall, NJ 07719	Monmo
Neptune Township Public Library	25 Neptune Blvd.		Neptune, NJ 07753	Monmo
Oceanic Free Library	109 Ave. Of Two Rivers		Rumson, NJ 07760	Monmo
Red Bank Public Library	84 W. Front St.		Red Bank, NJ 07701	Monmo
Sea Bright Library	92 Hallway St.		Wallington, NJ 07057	Monmo
Sea Girl Library	321 Baltimore Blvd.		Sea Girl, NJ 08750	Monmo
Spring Lake Public Library	1501 Third Ave.		Spring Lake, NJ 07762	Monmo
Tinton Falls Public Library	664 Tinton Ave.		Tinton Falls, NJ 07724	Monmo
Union Beach Memorial Library	810 Union Ave.		Union Beach, NJ 07735	Monmo
West Long Branch Public Library	95 Poplar Ave.		West Long Branch, NJ 07764	Monmo
Ocean Co. Administration Building	101 Hooper Ave.		Toms River, 08754	Ocean
Ocean Co. Library - Barnegat Branch	112 Burr St.		Barnegat, NJ 08005	Ocean
Ocean Co. Library - Bay Head Reading Center	135 Meadow Ave		Bay Head, NJ 08742	Ocean
Ocean Co. Library - Beachwood Branch	128 Beachwood Blvd		Beachwood, NJ 08722	Ocean
Ocean Co. Library - Berkeley Branch	30 Station Rd		Bayville, NJ 08721	Ocean
Ocean Co. Library - Brick Branch	301 Chambers Bridge Rd		Brick, NJ 08723	Ocean
Ocean Co. Library - Island Heights Branch	P.O. Box 1127	121 Central Ave	Island Heights, NJ 08732	Ocean
Ocean Co. Library - Jackson Branch	2 Jackson Dr.		Jackson, NJ 08527	Ocean
Ocean Co. Library - Lacey Branch	10 East Lacey Rd		Forked River, NJ 08731	Ocean
Ocean Co. Library - Lakewood Branch	301 Lexington Ave.		Lakewood, NJ 08701	Ocean
Ocean Co. Library - Little Egg Harbor Branch	290 Malhinstown Rd		Little Egg Harbor, NJ 08087	Ocean
Ocean Co. Library - Long Beach Island Branch	217 S. Central Ave		Surf City, NJ 08008	Ocean
Ocean Co. Library - Manchester Branch	21 Colonial Dr		Manchester, NJ 08759	Ocean
Ocean Co. Library - Plumsted Branch	119 Evergreen Rd		New Egypt, NJ 08533	Ocean
Ocean Co. Library - Point Pleasant Branch	834 Beaver Dam Rd		Pt. Pleasant, NJ 08742	Ocean
Ocean Co. Library - Pt. Pleasant Beach Branch	710 McLean Ave		Pt. Pleasant Beach, NJ 08742	Ocean
Ocean Co. Library - Stafford Branch	129 N. Main St.		Manahawkin, NJ 08050	Ocean

	Address 1	Address 2	City State Zip	Co.
Ocean Co. Library - Toms River Branch	101 Washington St		Toms River, NJ 08753	Ocean
Ocean Co. Library - Tuckerton Branch	380 Bay Ave		Tuckerton, NJ 08087	Ocean
Ocean Co. Library - Upper Shores Branch	112 Jersey City Ave		Lavallette, NJ 08735	Ocean
Ocean Co. Library - Waretown Branch	112 Main St		Waretown, NJ 08758	Ocean
Ocean Co. Library - Whiting Branch	400 Lacey Rd.		Whiting, NJ 08759	Ocean
Bristol-Myers Squibb	100 Nassau Park Blvd #300		Princeton, NJ 08540	Mercer
Covance	210 Carnegie Center Drive		Princeton, NJ 08540	Mercer
Educational Testing Service	660 Rosedale Road		Princeton, NJ 08541	Mercer
Merrill Lynch Bank of America	7 Roszel Road	Floor 04	Princeton, NJ 08540	Mercer
Princeton Theological Seminary	P.O. Box 821	64 Mercer Street	Princeton, NJ 08542-0803	Mercer
Princeton University	Office of Human Resources	2 New South	Princeton, NJ 08544	Mercer
Westminster Choir College of Rider University	2083 Lawrenceville Road		Lawrenceville, NJ 08648	Mercer
AT&T Holmdel	2103 State Route 35		Holmdel, NJ 07733	Monmo
Ocean Medical Center	425 Jack Martin Boulevard		Brick, NJ 08724	Monmo
Saker Shoprite	10 Centerville Road		Holmdel, NJ 07733	Monmo
Georgian Court University	900 Lakewood Ave		Lakewood, NJ 08701	Ocean
Trac Intermodal	750 Collage Road East		Princeton, NJ 08540	Mercer
Capital Health Systems - Fuld Campus	750 Brunswick Ave.		Trenton, NJ 08638	Mercer
Comcast	90 Lake Dr.		East Windsor, NJ 08520	Mercer
Conair	150 Milford Rd.		East Windsor, NJ 08520	Mercer
Congoleum	3500 Quakerbridge Rd.		Mercerville, NJ	Mercer
Dana Communications	2 E. Broad St.		Hopewell, NJ	Mercer
East Windsor Regional School District	25A Leshin Lane		Hightstown, NJ 08520	Mercer
Evans East	104 Windsor Center Dr.		East Windsor, NJ 08520	Mercer
Ewing Township Schools	2039 Pennington Road		Ewing, NJ 08618-1499	Mercer
Gaum, Inc.	1080 US Highway 130		Robbinsville, NJ 08691	Mercer
Hamilton Township Schools	90 Park Ave.		Hamilton Square, NJ 08690	Mercer
Homasole	932 Lower Ferry Rd.		Trenton, NJ 08618	Mercer
Hopewell Valley Regional Schools	425 South Main St.		Pennington, NJ 08534	Mercer
Hovione	40 Lake Dr.		East Windsor, NJ 08520	Mercer
Janssen Pharmaceutical	1125 Trenton harbourton Rd.		Titusville, NJ	Mercer
Johnson & Johnson	One Johnson & Johnson Plaza		New Brunswick, NJ 08933	Mercer
Lavipharm	100 Overlook Cir	Floor 2	Princeton, NJ 08540-7814	Mercer
Lawrence Township Schools	2585 Princeton Pike		Lawrenceville, NJ 08648-3631	Mercer
McGraw Hill	120 Windsor Center Dr.		East Windsor, NJ 08520	Mercer
Mercer Co. Board of Education	1075 Old Trenton Rd.		Trenton, NJ 08618	Mercer
Mercer Co. Special Services School District	1020 Old Trenton Rd.		Hamilton, NJ 08690-1230	Mercer
Mercer Co. Vocational School District	1095 Old Trenton Rd.		Trenton, NJ 08690-1229	Mercer
Merrill Lynch & Co.	1300 Merrill Lynch Drive		Pennington, NJ 08534	Mercer
NJ Manufactures Insurance	P.O. Box 1428	301 Sullivan Way	West Trenton, NJ 08628	Mercer
Peddie School	201 S Main Street		Hightstown, NJ 08520	Mercer
Princeton Regional School District	25 Valley Rd.		Princeton, NJ 08540	Mercer
Robbinsville Township Schools	155 Robbinsville-Edinburg Rd.		Robbinsville, NJ 08691	Mercer
Robert Wood Johnson University	1 Hamilton Health Plaza		Trenton, NJ 08618	Mercer
Shiseido America	366 Princeton-Hightstown Rd.		Hightstown, NJ 08520	Mercer
St. Francis Medical Center	601 Hamilton Ave.		Trenton, NJ 08629	Mercer
St. Lawrence Rehabilitation Center	2381 Lawrenceville Rd.		Lawrenceville, NJ 08648	Mercer
The College of New Jersey	2000 Pennington Rd.		Ewing, NJ 08628	Mercer
The Times of Trenton	413 River View Plaza		Trenton, NJ 08611	Mercer
Trenton Schools	108 North Clinton Ave.		Trenton, NJ 08609	Mercer
West Windsor-Plainsboro Regional Schools	605 Village Rd. West	P.O. Box 505	Princeton Junction, NJ 08550	Mercer
Brookdale Community College	765 Newman Springs Rd.	Attn: Patricia Sensi	Lincroft, NJ 07738	Monmo
Centra State Healthcare Systems	West Main St.	Attn: Jacquie Piccolini	Freehold, NJ 07728	Monmo
Co. Of Monmouth - Hall Of Records	1 East Main St.	Attn: Fredrica Brown	Freehold, NJ 07728	Monmo
Food Town Circus Supermarkets	835 Highway 35, P.O. Box 278	Attn: Nancyanne Fama	Middletown, NJ 07748	Monmo
Foodarama Supermarkets	10 Centerville Road		Holmdel, NJ 07733	Monmo
Horizon Blue Cross Blue Shield	1427 Wycoff Rd.	Attn: Jonathan Pearson	Farmingdale, NJ 07727	Monmo
International Flavors and Fragrances	State Highway 35	Attn: Silvio Amorosino	Union Beach, NJ 07735	Monmo
JCP&L/First Energy	1400 US Highway 9		Matawan, NJ 07747	Monmo
Meridian Health Systems	1350 Campus Parkway Ste 110		Wall Township, NJ 07753	Monmo
Monmouth Medical Center	300 Second Ave.	Attn: Bruce Pardo	Long Branch, NJ 07740	Monmo
Monmouth University	400 Cedar Avenue		West Long Branch, NJ 07764	Monmo
Nestle USA Beverage Division	61 Jerseyville Ave.	Attn: Was Ikida	Freehold, NJ 07728	Monmo
NJ Resources Corporation	1415 Wycoff Rd.	Attn: Betty Moerschel	Wall, NJ 07719	Monmo
Norfolk Enterprises	505 Richmond Ave.	Attn: Louise Horowitz	Point Pleasant, NJ 08742	Monmo
Vonage	23 Main St		Holmdel, NJ 07733	Monmo

	Address 1	Address 2	City State Zip	Co.
Brick Township Board of Education	101 Hendrickson Ave.		Brick, NJ 08724	Ocean
Brick Township Municipal Offices	401 Chambers Bridge Rd.		Brick, NJ 08723	Ocean
DPT Lakewood	1200 Paco Way		Lakewood, NJ 08701	Ocean
Health South Rehabilitation Hospital	14 Hospital Dr.		Toms River, NJ 08755	Ocean
Jackson Township Board of Education	101 Don Connor Blvd.		Jackson, NJ 08527	Ocean
Jenkinsons	300 Ocean Ave.		Point Pleasant, NJ 08742	Ocean
Lacey Township Board of Education	200 Western Blvd.		Lanoka Harbor, NJ 08734	Ocean
Lakewood Township Board of Education	855 Somerset Ave		Lakewood, NJ 08701	Ocean
Manchester Board of Education	121 Route 539	P.O. Box 4100	Whiting, NJ 08759	Ocean
Meridian Health - Ocean Medical Center	415 Jack Martin Blvd.		Brick, NJ 08724	Ocean
Ocean Co. Collage	College Dr.	P.O. Box 2001	Toms River, NJ 08754	Ocean
Saint Barnabas Health Care Systems	368 Lakehurst Rd., Suite 203		Toms River, NJ 08755	Ocean
Six Flags	Route 637	P.O. Box 120	Jackson, NJ 08527	Ocean
Southern Ocean Co. Hospital	1140 Route 72 West		Manahawkin, NJ 08050	Ocean
Southern Regional School District	105 Cedar Bridge Rd.		Manahawkin, NJ 08050	Ocean
Toms River Municipal Offices	33 Washington St.		Toms River, NJ 08753	Ocean
Toms River Regional School District	1144 Hooper Ave.		Toms River, NJ 08753	Ocean
Princeton Packet	300 Witherspoon St.	P.O. Box 350	Princeton, NJ 08544	Mercer
The Trentonian	600 Perry St.		Trenton, NJ 08618	Mercer
Trenton Times	413 River View Plaza		Trenton, NJ 08611-3427	Mercer
Windsor Heights Herald	300 Witherspoon St.	P.O. Box 350	Princeton, NJ 08544	Mercer
Cablevision of Monmouth	1501 18th Ave.		Wall, NJ 07719	Monmo
Comcast Cable of Monmouth Co.	403 South St.		Eatonville, NJ 07724	Monmo
Greater Media Newspapers	Attn: Tri-Town News/News Transcript PO Box 950	198 Rt. 9 North, Suite 100	Manalapan, NJ 07728	Monmo
Star-Ledger	1 Star Ledger Plaza		Newark, NJ 07102	Monmo
Asbury Park Press	3601 Highway 66	PO Box 1550	Neptune, NJ 07754	Ocean
Comcast Cable of Ocean Co.	751 Brick Blvd.		Brick, NJ 08723	Ocean
Comcast of Toms River	630 Route 37 West		Toms River, NJ 08754	Ocean
Point Pleasant Beach Ocean Star	13 Broad St.		Manasquan, NJ 08736	Ocean
Star-Ledger	1 Star Ledger Plaza		Newark, NJ 07102	Ocean
Shiloh Baptist Church	340 Reverend S Howard Woodson		Trenton, NJ 08618	Mercer
St. Paul Parish	216 Nassau Street		Princeton, NJ 08542-4604	Mercer
Witherspoon Street Presbyterian Church	112 Witherspoon Street		Princeton, NJ 08542	Mercer
Beth El Synagogue	50 Maple Stream Rd.		East Windsor, NJ 08520	Mercer
Bethany Lutheran Church	1125 Parkside Ave.		Trenton, NJ 08618	Mercer
Bitle Baptist Church	1934 Klockner Ave.		Trenton, NJ 08618	Mercer
Calvary Assembly of God	120 Mechanic St		Hightstown, NJ 08520	Mercer
Calvary Missionary Baptist Church	735 E. State St.		Trenton, NJ 08609	Mercer
Catholic Campus Ministry	482 Ewingville Rd.		Trenton, NJ 08638	Mercer
Chambers Methodist Church	1627 Liberty St.		Trenton, NJ 08629	Mercer
Chesterfield Baptist Church	209 Crosswicks Chesterfield Rd.		Chesterfield, NJ 08515	Mercer
Church of God of Prophecy	917 S. Clinton Ave.		Trenton, NJ 08611	Mercer
Congregation Beth Chaim	329 Village Rd. E.		Princeton Junction, NJ 08550	Mercer
Congregation Toras Emes	639 Abington Dr.		East Windsor, NJ 08520	Mercer
Corinth Baptist Church	31 Hawthorne Ave.		Trenton, NJ 08638	Mercer
Devine Temple Church of God	202 Brinton Ave.		Trenton, NJ 08618	Mercer
Ebenezer Church of God	121 Wayne Ave.		Trenton, NJ 08618	Mercer
Emmanuel Pentecostal Temple	203 Hutchinson Rd.		Robbinsville, NJ 08691	Mercer
First Assembly of God	87 Route 31 S.		Pennington, NJ 08534	Mercer
First Baptist Church	125 South Main St.		Hightstown, NJ 08520	Mercer
First Baptist Church	128 Centre St.		Trenton, NJ 08611	Mercer
First Presbyterian Church	48 River Dr.		Titusville, NJ 08580	Mercer
First Presbyterian Church of Hightstown	320 North Main St.		Hightstown, NJ 08520	Mercer
Grace-St. Paul's Church	3715 E. State St. Ext.		Mercerville, NJ 08619	Mercer
Hamilton Square Baptist Church	3752 Nottingham Way		Trenton, NJ 08690	Mercer
Hightstown Church of God	1004 Old York Rd.		East Windsor, NJ 08520	Mercer
Joyful Baptist Korean Church	118 Bear Brook Rd.		Princeton, NJ 08540	Mercer
Lawrence Rd. Presbyterian Church	1039 Lawrence Rd.		Lawrenceville, NJ 08648	Mercer
Our Lady of Good Counsel	137 W. Upper Ferry Rd.		West Trenton, NJ 08628	Mercer
Our Lady of Sorrows	3816 E. State St. Ext.		Mercerville, NJ 08619	Mercer
Prince of Peace Lutheran Church	177 Princeton Hightstown Rd.		Princeton Junction, NJ 08550	Mercer
Robbinsville Baptist Church	22 Main St.		Robbinsville, NJ 08691	Mercer
Saint David the King Church	1 New Village Rd.		Princeton Junction, NJ 08550	Mercer
Seventh Day Adventist Church of Hightstown	116 Broad St.		Hightstown, NJ 08520	Mercer
St. Ann's Roman Catholic Church	1253 Lawrenceville Rd.		Trenton, NJ 08648	Mercer
St. Anthony of Padua Roman Catholic Church	251 Franklin St.		Hightstown, NJ 08520	Mercer

	Address 1	Address 2	City State Zip	Co.
St. James African Methodist Episcopal Church	413 Summit St.		Hightstown, NJ 08520	Mercer
St. James Church	115 E. Delaware Ave.		Pernington, NJ 08534	Mercer
St. Paul's Lutheran Church	79 One Mile Rd. Extension		East Windsor, NJ 08520	Mercer
St. Vincent's Catholic Church	555 Yardville Allentown Rd.		Yardville, NJ 08620	Mercer
Ardena Baptist Church	693 Adelphia Rd.		Freehold, NJ 07728	Monmo
Bethany Baptist Church	15 West Farms Rd.		Farmingdale, NJ 07727	Monmo
Bethesda United Methodist Church	Ardena Rd. & Route 524		Adelphia, NJ 07710	Monmo
Church of Master United Methodist Church	110 Salem Hill Rd.		Howell, NJ 07731	Monmo
Church of St. William the Abbot	2740 Lakewood Allenwood Rd.		Howell, NJ 07731	Monmo
Church of the Nativity National Catholic	102 West 2nd St. & Route 9		Howell, NJ 07731	Monmo
Community Bible Fellowship	307 I Lakewood Allenwood Rd.		Howell, NJ 07731	Monmo
Congregation Ahavat Achim	106 Windeler Rd.		Howell, NJ 07731	Monmo
Congregation Kol Am	3587 Route 9 #520		Freehold, NJ 07728	Monmo
First Baptist Southard Church	31 Hilltop Rd.		Howell, NJ 07731	Monmo
Howell Baptist Church	1554 Maxim Southard Rd.		Howell, NJ 07731	Monmo
Immanuel Baptist Church	1244 West Farms Rd.		Howell, NJ 07731	Monmo
Jerseyville United Methodist Church	8 Howell Rd.		Freehold, NJ 07728	Monmo
Open Door Bible Baptist Church	521 Lakewood Farmingdale Rd.		Howell, NJ 07731	Monmo
Pierce Memorial Presbyterian	40 Main St.		Farmingdale, NJ 07727	Monmo
Prince of Peace Lutheran Church	434 East Aldrich Rd.		Howell, NJ 07731	Monmo
Squamum United Methodist Church	45 Old Tavern Rd.		Howell, NJ 07731	Monmo
St. Alexander Nevsky Russian Orthodox	200 Alexander Ave.		Howell, NJ 07731	Monmo
St. Cathelines Roman Catholic Church	31 Asbury Rd		Farmingdale, NJ 07727	Monmo
St. Veronica's Roman Catholic Church	4215 US 9 North		Howell, NJ 07731	Monmo
Temple Beth Am	1235 Highway 70		Lakewood, NJ 08701	Monmo
West Farms United Methodist Church	153 Casino Dr.		Farmingdale, NJ 07727	Monmo
Holy Spirit Lutheran Church	333 North Main St.		Manahawkin, NJ 08050	Ocean
King of Kings Community Church	1000 Route 9		Manahawkin, NJ 08050	Ocean
Manahawkin Baptist Church	400 Beach Ave		Manahawkin, NJ 08050	Ocean
Manahawkin United Methodist	116 Stafford Ave.		Manahawkin, NJ 08050	Ocean
Ocean Community Church	1492 Route 72 West		Manahawkin, NJ 08050	Ocean
Fair Share Housing Center	510 Park Blvd		Cherry Hill, NJ 08002	ALL
New Jersey Housing Resource Center	637 South Clinton Ave	PO Box 18550	Trenton, NJ 08650	ALL
Arm in Arm	123 East Hanover Street		Trenton, NJ 08608	Mercer
Arm in Arm	61 Nassau Street		Princeton, NJ 08542	Mercer
Hightstown Housing Authority	131 Rogers Avenue		Hightstown, NJ 08520	Mercer
Mercer County Department of Human Services	640 S. Broad Street	P. O. Box 8068	Trenton, NJ 08650-0068	Mercer
Mercer County Dept of Housing & Community Development	640 S. Broad Street	P. O. Box 8068	Trenton, NJ 08650-0068	Mercer
Mercer County Office on Aging	640 S. Broad Street	P. O. Box 8068	Trenton, NJ 08650-0068	Mercer
NJ Department of Community Affairs	Division of Housing and Community Resources	101 South Broad Street, PO Box 806	Trenton, NJ 08625-0806	Mercer
Princeton Housing Authority	1 Redding Circle		Princeton, NJ 08540	Mercer
Princeton Senior Resource Center	The Suzanne Patterson Building	45 Stockton Street	Princeton, NJ 08540	Mercer
Princeton Senior Resource Center	179 Spruce Circle		Princeton, NJ 08540	Mercer
The Salvation Army Trenton	576 E State St.		Trenton, NJ 08601	Mercer
Trenton Housing Authority	875 New Willow Street		Trenton, NJ 08638	Mercer
Community Action Service Center	116 North Main St.	PO Box 68	Hightstown, NJ 08520	Mercer
Concerned Citizens of Ewing, Inc.	320 Hollowbrook Dr.		Ewing, NJ 08638	Mercer
East Windsor Senior Center	40 Lenning Blvd.		East Windsor, NJ 08520	Mercer

	Address 1	Address 2	City State Zip	Co.
John O. Wilson Hamilton Twp. Service Center	169 Wilfred Ave.		Trenton, NJ 08610	Mercer
Lawrence Twp. Community Council, Inc.	295 Eggerts Rd.		Lawrence, NJ 08648	Mercer
Mercer Co. Board of Social Services	200 Woolverton St.	P.O. Box 1450	Trenton, NJ 08650	Mercer
United Way Greater Mercer	3150 Brunswick Pike, Ste 230		Lawrenceville, NJ 08648	Mercer
Veteran Services	2280 Hamilton Ave.		Hamilton, NJ 08619	Mercer
CARCN	913 Sewall Ave		Asbury Park, NJ 07712	Monmo
CARCN	12 Throckmorton Street		Freehold, NJ 07728	Monmo
Monmouth County Community Development	Monmouth County Hall of Records	One East Main Street, P.O. Box 1255	Freehold, NJ 07728	Monmo
Monmouth County Department of Human Services	Monmouth County Hall of Records	One East Main Street, P.O. Box 1255	Freehold, NJ 07728	Monmo
Monmouth County Office on Aging	3000 Kosloski Road		Freehold, NJ 07728	Monmo
Monmouth County Public Housing Agency	3000 Kosloski Road		Freehold, NJ 07728	Monmo
The Asbury Park/Neptune Branch of the NAACP	PO Box 1143		Asbury Park 07712	Monmo
The Latino Action Network	PO Box 943		Freehold, NJ 07728	Monmo
The NAACP of Greater Long Branch	38 Memorial Parkway		Long Branch, NJ 07740	Monmo
Freehold Senior Citizens Center	116 Jackson Mills Rd.		Freehold, NJ 07728	Monmo
Howell Senior Citizens Center	251 Prevanterium Rd.	P.O. Box 580	Howell, NJ 07731	Monmo
Monmouth Co. Division of Social Services	P.O. Box 3000	Kosloski Rd.	Freehold, NJ 07728	Monmo
Monmouth Co. Human Services	3000 Kosloski Rd.		Freehold, NJ 07728	Monmo
Monmouth Co. Human Services	2405 Route 66		Ocean, NJ 07712	Monmo
Monmouth Housing Alliance	3535 State Route 66 Ste 4		Neptune, NJ 07753	Monmo
United Way Monmouth Co.	1415 Wycoff Rd.		Farmingdale, NJ 07727	Monmo
NAACP Ocean County/Lakewood Branch	PO Box 836		Lakewood, NJ 08701	Ocean
NAACP Toms River Branch	PO Box 5144		Toms River, NJ 08754	Ocean
NJ Department of Community Affairs Homeless Prevention	1510 Hooper Ave		Toms River, NJ 08753	Ocean
Ocean City Housing Authority	204 4th Street		Ocean City, NJ 08226	Ocean
Ocean County Board of Chosen Freeholders	P.O. Box 2191		Toms River, N.J. 08754-2191	Ocean
Ocean County Community Development	129 Hooper Ave.	PO Box 2191	Toms River, NJ 08754-2191	Ocean
Ocean County Department of Human Services	101 Hooper Avenue		Toms River, NJ 08753	Ocean
Ocean County Office on Aging	1027 Hooper Avenue	Building 2, 1st Floor	Toms River, NJ 08754	Ocean
OCEAN, INC	52 Myers Street	P.O. Box 1029	Toms River, NJ 08754	Ocean
Saint Francis Community Center	4700 Long Beach Blvd		Long Beach Township, NJ 08008	Ocean
The New Jersey State Conference of the NAACP	14 Clifton Ave South		Lakewood, NJ 08701	Ocean
Ocean Co. Board of Social Services	1027 Hooper Ave.	P.O. Box 547	Toms River, NJ 08754	Ocean

	Address 1	Address 2	City State Zip	Co.
Ocean Co. Board of Social Services	North Ocean Co. Resource Center	225 Fourth St.	Lakewood, NJ 08701	Ocean
Ocean County Administrative Offices	PO Box 2191		Toms River, NJ 08754-2191	Ocean
STEPS	14 Clifton Ave South		Lakewood, NJ 08701	Ocean
The ARC of Ocean County	815 Cedar Bridge Avenue		Lakewood, NJ 08701	Ocean
United Way Ocean Co.	253 Chestnut Street		Toms River, NJ 08753	Ocean
Bayshore NAACP	PO Box 865		Matawan, NJ 07747	
Greater Freehold NAACP	PO Box 246		Marlboro Annex, NJ 07746	
Greater Red Bank NAACP	PO Box 311		Navesink, NJ 07752	
Supportive Housing Association	185 Valley Street		South Orange, NJ 07079	
The New Jersey State Conference of the NAACP	13 West Front Street		Trenton, NJ 08608	
Trenton NAACP	117 Cadwalader Dr		renton, NJ 08618	
Mercer County Association of REALTORS	1428 Brunswick Avenue		Trenton N.J. 08638	Mercer
Monmouth Ocean Regional Realtors	One Hovchild Plaza	4000 Route 66	Tinton Falls, NJ 07753	Monmo
Ocean County Board of Realtors	271 Lakehurst Road		Toms River, NJ 08755	Ocean

Exhibit C: Manasquan Preliminary Application Distribution List

<u>Business Name</u>	<u>Address1</u>	<u>Address 2</u>	<u>City State Zip</u>
Monmouth Co. Office on Aging	21 Main and Court Center	PO Box 1255	Freehold, NJ 07728
Ocean Co. Office of Senior Services	1027 Hooper Avenue		Toms River, NJ 08754-2191
Mercer Co. Office on Aging	Mercer Co. Administration Bldg.	PO Box 8068	Trenton, NJ 08650-0068
Mercer Co. Library Headquarters	2751 Brunswick Pike		Lawrenceville, NJ 08648
Monmouth Co. Headquarters Library	125 Symmes Drive		Manalapan, NJ 07726
Ocean Co. Library	101 Washington Street		Toms River, NJ 08753

Appendix I. Affordability Assistance Manual

Affordability Assistance

Borough of Manasquan *New Jersey*

Affordability Assistance Policies and Procedures Manual

August 2023



CGPH

Community Grants, Planning & Housing
Good People. Great Results.™

1249 S. River Rd, Suite 301
Cranbury, NJ 08512
609/664-2769 www.cgph.net

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EXHIBITS:

EXHIBIT 1: Affordability Assistance Application

EXHIBIT 2: Resolution Authorizing Assistance – GRANT

EXHIBIT 3: Resolution Authorizing Assistance - LOAN

EXHIBIT 4: Affordability Assistance Program Repayment Agreement

EXHIBIT 5: Mortgage Securing Payment of Affordability Assistance Program Note

EXHIBIT 6: Mortgage Note for Affordability Assistance Program

Manasquan Affordability Assistance Policies and Procedures Manual

Policies & Procedures Manual

Introduction

The Borough of Manasquan has dedicated funding from its Affordable Housing Trust Fund to operate this Affordability Assistance Program. Trust funds come from Development Fees levied upon developers in accordance with the Borough's Development Fee Ordinance, and any payment in lieu of construction of affordable units for a specific development project as approved by the Superior Court. The creation of the Affordability Assistance program is required in the Borough's Spending Plan. The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program.

This Manual describes the basic content and operation of the various affordable assistance program components. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations, terms, and/or procedures. Where it is found that a new procedure may be more effective or can eliminate a recurring problem, that procedure may be incorporated into the program operation by amending this Operating Manual. In addition, this manual may be periodically revised to reflect changes in local, state, and federal policies and regulations relative to implementation of the affordable housing programs described herein.

Types of Affordability Assistance

There are five types of affordability assistance listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

1. ***One Month's Rent*** – Manasquan Borough will pay for one month's rent from its Affordable Housing Trust Fund for renters moving into deed restricted affordable units. This assistance is a grant and does not need to be paid back. Priority will be given to very-low income households.
2. ***Down Payment and/or Closing Cost Assistance*** – Affordability Assistance funds for down payment and/or closing costs will help income-qualified households achieve the goal of homeownership. The goal of the program is to provide financial assistance to income-qualified homebuyers moving into affordable housing in Manasquan.
3. ***Emergency Repair Program*** – Affordability Assistance funding is also available to assist owners of low-and moderate-income units to make code-related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for minor

repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Borough's Fair Share Plan (portfolio of affordable units) may be eligible to apply.

4. **HOA Dues Assistance** – The Borough is providing assistance to owners of affordable units that are part of a Homeowner's Association. Preference will be given to households that are late in monthly dues payments. Funding will only be awarded to income-eligible households within the association where the affordable unit is the owner's primary residence. Funding will be sent to the HOA as a credit against the HOA dues. Only deed-restricted units in the Borough's Fair Share Plan (portfolio of affordable units) may be eligible to apply. The amount of assistance available is a one-time payment of \$2,500 per household.
5. **Special Assessment Program** – This program is available for affordable unit owners in condominium complexes for income-qualified households where a special assessment is being levied. Money for the amount of the special assessment for the proportion of households that qualify will be given to the condominium association to cover the costs for those unit owners. The amount of assistance available is a one-time payment of \$5,000 per household.
6. **Create Additional Very Low Income Units**– Affordability assistance may be utilized to create additional very low income units by converting a moderate or low income unit into a very low income unit in new developments. The affordability assistance will result in additional very low income units beyond what is required by state affordable housing rules. Manasquan may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low income household. This subsidy amount may be determined by the following method outlined in N.J.A.C. 5:97-8.8 (2) but it is not required:

Example: A 100-unit development in a municipality consists of 80 market-rate rental units, 10 moderate-income rental units and 10 low-income rental units. Two of the low-income units are priced to be affordable to a household earning 30 percent of regional median income (RMI). The remaining eight low-income units are priced to be affordable to households earning 45 percent of RMI. The rental rate established for the units priced at a 45 percent level of affordability is \$603.00 per month while the rental rate established for units priced at a 30 percent level of affordability is \$353.00 for a difference of \$250.00 per month or \$3,000 per year. Assuming a capitalization rate of 8.5 percent would establish a 30-year present value of \$35,294 on the reduced rental income. Therefore, a developer might consider re-pricing low-income units to provide additional very low income units in exchange for an up-front lump sum payment of \$35,294 for each unit re-priced.

This program can also be used to make existing low income units more affordable (very low income) via subsidies and changes to existing deed restriction

Manasquan Budget

Manasquan budgeted a total of \$316,457 for affordability assistance in its Spending Plan. Individual total program budgets are initially established as such:

- One month's rent: \$100,000
- Down payment/Closing Cost assistance: \$40,000
- Emergency Repairs: \$40,000
- HOA Dues/Special Assessment Programs: \$25,000
- Create additional VLI units: \$111,457

In the event that more funding becomes available, the Borough will have the discretion to increase program budgets as necessary. The Borough reserves the right to move money from less subscribed individual programs to others with more need.

Eligibility

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria:

1. There are affordability assistance funds remaining in the budget for the year.
2. For the Rental and Down Payment/Closing Cost Assistance, the applicant must be in the process of buying or renting a deed restricted affordable unit in Manasquan Borough as their primary residence.
3. The applicant has not received an affordability assistance grant in the past. (Only one award per household is permitted.)
4. The end user household must be income certified and the home must be in the Borough's affordable housing portfolio.

Maximum Amount

The maximum amount of assistance that may be provided is in Exhibit 1.

Repayment Terms, Repayment Agreement & Security Instruments

The One Month's Rent and the Emergency and Health/Safety Repairs Programs are grants and there is no repayment agreement.

The Down Payment/Closing Cost Assistance, the HOA Dues Assistance and the Special Assessment programs will have a mortgage and note in favor of the municipality and executed by the property owner with the following terms:

The loan principal is forgiven at 0% per year for a period of 5 years and then 20% for the next 5 years and is secured by a second mortgage and note.

ADMINISTRATION

The Administrative Agent will be responsible for administering the Affordability Assistance Programs. Questions about these programs should be directed to the Administrative Agent, included on the next page. All forms are included in the appendices and the process for disbursing

funds is outlined in the Exhibits. Contact information for the current Administrative Agent is listed directly below:

<p>CGP&H LLC 1249 S. River Rd, Suite 301 Cranbury, NJ 08512</p>	<p>Email (preferred): katherine@cgph.net 609-664-2780 phone 609-664-2786 fax Website: www.affordablehomesnewjersey.com</p>
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One Month's Rent Program

1. Applicant submits application, including a current certificate of income eligibility if necessary (applies to units not administered by CGP&H)
2. CGP&H reviews and processes application.
3. CGP&H notifies Borough and CGP&H prepares resolution authorizing grant.
4. For units not administered by CGP&H, participating Landlords will be required to submit their W9 and Business Registration Form to CGP&H, who will collect and forward same to the Borough's finance office. It is critical to get these documents prior to resolution night, so that funds can be quickly processed for payment upon passage of resolution by the Borough Committee.
5. CGP&H provides Resolution to Borough Clerk for next Committee meeting agenda, no less than 10 days prior to meeting.
6. Borough adopts Resolution at Committee meeting including a certification of funds
7. Borough sends Landlord a Purchase Order immediately following approval of Resolution. Upon receipt of signed, returned purchase order (by hand, mail, or email), the Borough will cut and release check to Landlord.
8. CGP&H notifies tenant about the assistance approval giving a timeline when to expect the payment.
9. CGP&H records assistance on master reporting database.

Down Payment and/or Closing Cost Assistance Program

1. Applicant submits application.
2. CGP&H reviews and processes application.
3. CGP&H notifies Borough and CGP&H prepares resolution authorizing award.
4. CGP&H provides Resolution to Borough Clerk for next Committee meeting agenda, no less than 10 days prior to meeting.
5. Borough adopts Resolution at Committee meeting.
6. Borough disperses funds directly to escrow account or wires money directly to title company.
7. The Repayment Agreement, Mortgage and Mortgage Note will be executed at closing. The terms of the mortgage are in the Mortgage Note, which is not recorded. The original recorded mortgage and mortgage note shall be retained by the Program Administrator and kept in the unit file.
8. Title Company will record the Mortgage as part of the closing documents.
9. The administrative agent will send the Agreement to the Borough to obtain the Mayor's signature, once executed the Program Administrator will send a copy to the owner.
10. CGP&H records assistance on master reporting database.

Emergency Repair Program

1. Applicant submits application.
2. CGP&H reviews and processes application, including income qualification if necessary.
3. Borough sends inspector to property to determine the scope of work and sends scope of work to applicant.
4. Applicant secures three quotes and submits quotes to CGP&H.
5. Applicant chooses preferred contractor and informs CGP&H. (***NOTE – the applicant must be informed that work cannot begin until the funding agreement is signed or the costs may not be covered by the Borough***)
6. Applicant signs and submits Funding Agreement to Borough.
7. Borough countersigns funding agreement and sends back to CGP&H.
8. Permits are pulled (if required) and work begins and is completed on the property.
9. Final inspection occurs by Borough Inspector and Certificate of Approval is completed.
10. CGP&H notifies Borough and prepares resolution authorizing award.
11. Borough adopts Resolution and processes payment to the Contractor.
12. CGP&H records assistance on master reporting spreadsheet.

HOA Dues/Special Assessment Program Procedures

1. Applicant submits application, which will include a notice of late payment of HOA fees if applicable.
2. CGP&H reviews and processes application and income certifies the owner according to the procedures outlined in the Borough of Bedminster Affordable Housing Administrative Agent Policies and Procedures Manual Section IV: Determining Income Eligibility, found on page 20.
3. CGP&H notifies Borough and Borough prepares resolution authorizing award.
4. Borough adopts Resolution.
5. Owner will sign the Repayment Agreement, Mortgage and Mortgage Note and return to CGP&H. The terms of the mortgage are in the Mortgage Note, which is not recorded. The original recorded mortgage and mortgage note shall be retained by the Program Administrator and kept in the unit file.
6. Borough disperses funds directly to HOA. CGP&H notifies homeowner of disbursement.
7. CGP&H records assistance on master reporting database.

Creation of Additional Very Low Income Units Procedures

Funding will be available on a case by case basis, to be negotiated with the housing developer/owner.

Exhibit 1

APPLICATION FOR AFFORDABILITY ASSISTANCE IN MANASQUAN BOROUGH

This application must be fully completed so that it can be accepted and processed. This application is not transferable. If you require assistance, please email homes@cgph.net or call CGP&H at **609-664-2769 ext 5**. If your application is complete and you are approved to receive affordability assistance, you will be certified by CGP&H and notified by mail.

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria (One Months' Rent and Down Payment Assistance Only):

1. There are affordability assistance funds remaining in the budget for the year.
2. The applicant is currently in the process of buying, renting or rents a deed restricted affordable unit in Manasquan Borough as their primary residence.
3. The applicant has not received an affordability assistance grant in the past. (Only one award per household is permitted.)
4. The end user household must be income certified. Applicants applying for Down payment assistance will have already been income certified.

Name: _____

Date: _____

Property Address: _____

1. Please indicate what type of assistance you are applying for (Choose one):

Mark with X	Program	Details
	One Month's Rent	<ul style="list-style-type: none"> • Applicants not income certified by CGP&H must submit Certificate of Income eligibility not older than 6 months. • Applicants living in housing units not administered by CGP&H must request Landlords to submit their W9 and Business Registration Form to CGP&H, who will collect and forward same to the Borough's finance office. • All attempts will be made to pay the first month, but meeting schedules and application timing may mean the funding is not available until after the tenant moves in.
	Down Payment/Closing Cost Assistance	<ul style="list-style-type: none"> • 5,000 per household • 0% interest loan, forgiven at 0% per year for a period of 5 years and then 20% for the next 5 years and is secured by a second mortgage and note. • Applicants must have a minimum of 5% of their own funds towards the purchase of the Home.
	Emergency Repair Program	<ul style="list-style-type: none"> • Funds to assist with emergency repairs required to address code violations • Up to \$5,000 available • Award is a grant • Applications must include detailed estimate from licensed contractor
	HOA Dues/Special Assessment Assistance	<ul style="list-style-type: none"> • Up to \$2,500 per unit for dues assistance • Up to \$5,000 per unit for special assessment assistance • Applicant must be income qualified • Unit must be deed restricted for at least another 10 years

2. How much money are you putting down \$_____ (purchase only)

3. \$ Amount of Request (please see above for max amounts): \$_____

4. Please explain the reason for request: (attach additional paper if needed):

CERTIFICATION

I hereby certify that all information concerning my family size, actual gross income as well as all other information contained herein is true and accurate to the best of my knowledge. I further understand that CGP&H and Manasquan Borough are relying upon this information in order to determine whether I qualify for affordability assistance. I further certify that the copies of the documents attached to this application are true and accurate copies of the originals of such documents. I further certify that I intend to personally occupy the unit as my primary residence except for reasonable periods of vacations and illnesses. I understand that I cannot sublet or re-rent the unit.

I authorize CGP&H, Manasquan Borough or their agents to check for accuracy on any and all statements and representations made in this application. This may include calls to employers to verify Income, contact with banks, etc.

Applicant _____

Co-Applicant _____

Date _____

Date _____

Exhibit 2

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE
[RENTER/OWNER] OF AN AFFORDABLE HOUSING UNIT LOCATED**

WHEREAS, _____ [owns/rents] property located at _____, Block No. _____, Lot No. _____, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the [property owner/tenant] has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Borough is willing to extend a grant to the [property owner/tenant] in the amount of _____.

NOW THEREFORE BE IT RESOLVED on this _____ day of _____, _____, by the Borough Council of Manasquan, County of Monmouth, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the owner/renter of an Affordable Housing unit located at _____, Block No. _____, Lot No. _____.

I do hereby certify that the foregoing is a true copy of a resolution passed by the _____ at a meeting duly held on the ____ day of _____, _____.

Clerk

Exhibit 3

**RESOLUTION AUTHORIZING AN AFFORDABILITY ASSISTANCE LOAN
REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING
UNIT LOCATED _____**

WHEREAS, _____ [is purchasing/owns] property located at _____, Block No. _____, Lot No. _____, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

WHEREAS, the property owner has requested an Affordability Assistance Program loan from the Affordable Housing Trust Fund; and

WHEREAS, the Borough is willing to extend a loan to the property owner in the amount of _____.

WHEREAS, it is appropriate for the Borough to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

NOW THEREFORE BE IT RESOLVED on this _____ day of _____, _____, by the Borough Committee of Manasquan, County of Monmouth, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program Agreement with the owner of an Affordable Housing unit located at _____, Block No. _____, Lot No. _____.
2. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent.

I do hereby certify that the foregoing is a true copy of a resolution passed by the _____ at a meeting duly held on the _____ day of _____, _____.

Clerk

Exhibit 4

**MANASQUAN BOROUGH
AFFORDABILITY ASSISTANCE PROGRAM REPAYMENT AGREEMENT**

THIS AGREEMENT made on the _____ day of _____, _____ is between _____ (hereafter "Owner") whose address is _____ and Manasquan Borough, with offices at 201 East Main Street, Manasquan, NJ 08736 (hereafter "Borough") Collectively, the "Owner" and the "Borough" referred to herein as the "Parties":

WHEREAS, Owner [is purchasing/owns] property located at _____, described more specifically as Block No. _____ Lot No. _____, located in the _____ development (hereafter "Property"); and

WHEREAS, the Property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the Property as an Affordable Housing unit which, among other restrictions, restricts the Owner in financing the Property or otherwise encumbering the Property by way of mortgage, home equity loan, or other forms of financing; and

WHEREAS, the Borough is willing to extend a loan to Owner in the amount of _____; and

WHEREAS, the Owner will sign a mortgage note and record a mortgage on the Property in the principal amount of \$_____; and

WHEREAS, the Parties wish to memorialize the agreement between them by way of this Affordable Housing Loan Repayment Agreement (hereinafter "Agreement");

NOW THEREFORE IT IS AGREED on this _____ day of _____, _____, by and between the Parties as follows:

1. Owner acknowledges that s/he is aware, and herein reaffirms her understanding, that the Property is and will continue to be governed by the Affordable Housing rules, regulations and restrictions because it is an Affordable Housing unit under the control of the Borough.
2. Owner understands and agrees at the time of purchase that the restrictions on the Property, which state that s/he cannot make application for any second money mortgages or refinance any first money mortgages as it may apply to the Affordable

Housing unit in excess of the maximum restricted mortgage amount and not until prior written approval has been obtained from the Administrative Agent.

3. Owner acknowledges and agrees that the Deed to be signed by the Owner at closing contains the recorded restrictions that govern the Property, which provide that "Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.."
4. Owner acknowledges and agrees that there will be a tertiary loan placed on the unit recorded after this Affordability Assistance mortgage, which applies the affordability control deed restriction pursuant to the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 *et seq.*).
5. Owner acknowledges and agrees that the Borough, pursuant to its Affordable Housing regulations, has the right to foreclose on the Property as a result of any violation of the deed restrictions pertaining to the Property by the Owner and, if successful, the Borough can retain all equity in the Property.
6. The Borough agrees to extend a loan of \$_____ to the Owner for the exclusive use _____.
7. The loan principal is forgiven at 0% per year for a period of 5 years and then 20% for the next 5 years and is secured by a second mortgage and note.
8. In the event that Owner fails to make any and all necessary payments required by the within Agreement, or otherwise breaches the terms of this Agreement, the Borough shall have the right to immediately file a lawsuit, or pursue any other rights that it may have, to remedy the breach and otherwise enforce the Affordable Housing statutes, ordinances, rules and regulations.
9. In the event that Owner fails to make any and all payments when due, the Borough shall be entitled to accelerate the repayment obligation to make the full amount immediately due (plus interest, if applicable).
10. This Agreement shall be construed in accordance with the laws of the State of New Jersey.

- 11. This Agreement constitutes the entire Agreement between the Parties. No amendments or modifications to this Agreement shall have any force or effect unless in writing and executed by both Parties.
- 12. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holdings shall not invalidate or render unenforceable any other provision hereof.
- 13. This Agreement shall be binding upon and inure to the benefit of the Parties, their legal representatives, heirs, executors, administrators, successors and assigns.
- 14.

IN WITNESS WHEREOF the Parties hereto have signed and executed this Agreement as of the date indicated above.

Municipality

Attest:

Attest:

STATE OF NEW JERSEY:

SS

COUNTY OF _____ :

I CERTIFY that on _____, 20____, _____ personally came before me and acknowledged under oath, to my satisfaction, that he/she:

- (a) was the maker of the attached instrument; and,
- (b) executed this instrument as his or her own act.

Signed and sworn to before me

On _____, _____

STATE OF NEW JERSEY:

SS

COUNTY OF _____:

I CERTIFY that on _____, _____ personally came before me and acknowledged under oath, to my satisfaction, that:

(a) s/he is the Borough Clerk of _____, the municipal corporation named in this document;

(b) s/he is the attesting witness to the signing of this document by _____, _____ (title) _____ of _____ (municipality) _____;

(c) this document was signed and delivered by _____ (municipality) _____ as its voluntary act duly authorized by a proper resolution of the Borough Committee

(d) s/he knows the proper seal of the _____ which was affixed to this document; and

(e) s/he signed this proof to attest to the truth of these facts.

Signed and sworn to before me

On _____, 20_____

Exhibit 5

MANASQUAN BOROUGH

MORTGAGE SECURING PAYMENT OF AFFORDABILITY ASSISTANCE PROGRAM NOTE

THIS MORTGAGE, made on this the ____ day of _____, ____ by and between _____, (the "OWNER") and Manasquan Borough (the "Municipality"), in connection with the property described herein (the "PROPERTY");

Article 1. REPAYMENT MORTGAGE NOTE

In consideration of value received, the Owner has signed an Affordability Assistance Program Mortgage Note (the "Note") dated _____. The Owner promises to pay to the Municipality amounts due under the Affordability Assistance Program Mortgage Note, and to abide by all obligations contained therein.

Article 2. MORTGAGE AS SECURITY FOR AMOUNT DUE

This Mortgage is given to the Municipality as security for the payment required to be paid as described in the Mortgage Note, the sum of \$[insert amount].

Article 3. PROPERTY DESCRIPTION

All of the land and improvements thereon located in the municipality of Manasquan in the County of Monmouth, State of New Jersey (hereinafter the "Property"), described more specifically as Block No. [] Lot No. [] and known by the street address:

[]

[]

Article 4. RIGHTS GIVEN TO MUNICIPALITY

The Owner gives the Municipality those rights stated in this Mortgage, and all the rights the law gives to the Municipality under Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*). The rights given to the Municipality are covenants running with the land. Upon performance of the promises contained in Note and Mortgage, the Municipality will prepare and deliver to the then current owner of record a quitclaim deed or other document of release.

Article 5. DEFAULT

The Municipality may declare the Owner in default on this Mortgage and on the Note if:

1. The Owner attempts to convey an interest in the Property without giving prior written notice to the Municipality;
2. The ownership of the Property is changed for any reason other than in the course of an exempt sale;
3. The Owner fails to make any payment required by the Note;
4. The holder of any lien on the Property starts foreclosure proceedings; or
5. Bankruptcy, insolvency or receivership proceedings are commenced by or against the Owner.

Article 6. MUNICIPALITY'S RIGHTS UPON DEFAULT

If the Municipality declares that the Note and this Mortgage are in default, the Municipality shall have all of the rights given by law or set forth in this Mortgage.

Article 7. NOTICES

ALL NOTICES MUST BE IN WRITING AND PERSONALLY DELIVERED OR SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE ADDRESSES GIVEN IN THIS MORTGAGE. ADDRESS CHANGES MAY BE MADE UPON WRITTEN NOTICE, MADE IN ACCORDANCE WITH THIS ARTICLE 7.

Article 8. NO WAIVER BY MUNICIPALITY

The Municipality may exercise any right under this Mortgage or under any law, even if the Municipality has delayed in exercising that authority, or has agreed in an earlier instance not to exercise that right. The Municipality does not waive its right to declare the Owner is in default by making payments or incurring expenses on behalf of the Owner.

Article 9. EACH PERSON LIABLE

The Mortgage is legally binding upon each Owner individually and all their heirs, assigns, agents and designees who succeed to their responsibilities. The Municipality may enforce any of the provisions of the Note and of this Mortgage against any one or more liable individual.

Article 10. SUBORDINATION

This Mortgage will not be subordinate, and will not be subordinated by the Municipality, to any mortgage, refinancing, equity loan, secured letter of credit, or any other obligation secured by the Property, except with respect to (a) any such obligation which was duly recorded prior to the recording hereof, and (b) any such obligation which, when added to all other such obligations recorded against the Property, shall result in total debt secured by the Property being an amount less than the maximum resale price that would be applicable were the Control Period still in effect.

Article 11. AMENDMENTS

No amendment or change to the Note and this Mortgage may be made, except in a written document signed by both parties and approved by the administrative agent appointed pursuant to N.J.A.C. 5:80-26.1 et seq.

Article 13. SIGNATURES

By executing this Mortgage on page 3, hereof, the Owner agrees to all of its terms and conditions.

Article 14. ACKNOWLEDGEMENT

The Owner acknowledges receipt of a true copy of this Mortgage, at no charge to the State.

IN WITNESS WHEREOF, the Owner(s) has executed this Mortgage for the purposes stated herein.

ATTEST:

Signature of (Owner)

Signature (Co-Owner)

STATE OF NEW JERSEY)

) ss:

COUNTY OF _____)

BE IT REMEMBERED, that on this the _____ day of _____ 20____ the subscriber _____ appeared personally before me (If more than one person signed the foregoing mortgage and appeared before me, the words "the subscriber" and "the Owner" shall include all such persons) and who, being duly sworn by me, deposed and made proof to my satisfaction (i) that he/she is the Owner named in the foregoing mortgage and (ii) and that he/she has executed said mortgage with respect to the Property and for the purposes described and set forth therein.

Sworn to and subscribed before me, on the date set forth above.

NOTARY PUBLIC

Exhibit 6

MANASQUAN BOROUGH

RECAPTURE MORTGAGE NOTE FOR AFFORDABILITY ASSISTANCE PROGRAM

THIS NOTE is dated as of [] [] For value received [] (referred to "Owner") promises to pay to Manasquan Borough, which has its principal offices at 201 East Main Street, Manasquan, NJ 08736 (the "Municipality"), the amounts specified in this Note and promises to abide by the terms contained below.

Article 1. REPAYMENT MORTGAGE

As security for the payment of amounts due under this Note and the performance of all promises contained in this Note, the Owner is giving the Municipality a "Mortgage To Secure Payment of Affordability Assistance Program Note" (the "MORTGAGE"), dated _____, of the property described below (the "PROPERTY"). The Mortgage covers real estate owned by the Owner. The Mortgage will not be subordinate, and will not be subordinated by the Municipality, to any mortgage, refinancing, equity loan, secured letter of credit, or any other obligation secured by the Property, except with respect to (a) any such obligation which was duly recorded prior to the recording hereof, and (b) any such obligation which, when added to all other such obligations recorded against the Property, shall result in total debt secured by the Property being an amount less than the maximum resale price (MRP) that would be applicable were the Control Period still in effect, as those terms are defined in Article 2 of the Mortgage.

Article 2. OWNERS PROMISE TO PAY AND OTHER TERMS

This is a no interest deferred loan in the amount of ~~\$XXXXXXX~~ will be for ten (10) years. The loan principal is forgiven at 0% per year for a period of 5 years and then 20% for the next 5 years. After ten (10) years, the loan is fully forgiven at the next resale. If sold before ten (10) years, the prorated loan amount shall be repaid by the applicant to the Manasquan Borough Affordable Housing Trust Fund.

Article 3. PROPERTY DESCRIPTION

All of the land and improvements thereon located in the municipality of _____ in the County of _____, State of New Jersey, described more specifically as Block No. _____ Lot No. _____, and known by the street address: _____.

Article 4. WAIVER OF FORMAL ACTS

The Owner waives its right to require the Municipality to do any of the following before enforcing its rights under this Note:

1. To demand payment of amount due (known as Presentment).
2. To give notice that amounts due have not been paid (known as Notice of Dishonor).

3. To obtain an official certificate of non-payment (known as Protest).

Article 5. RESPONSIBILITY UNDER NOTE

All Owners signing this Note are jointly and individually obligated to pay the amounts due and to abide by the terms under this Note. The Municipality may enforce this Note against any one or more of the Owners or against all Owners together.

The Owner agrees to the terms of this Note by signing below.

ACKNOWLEDGEMENT

Owner acknowledges receipt of a true copy of the Mortgage and this Note at no charge.

Dated:

ATTEST:

By:

Signature (Owner)

Signature (Co-Owner)

STATE OF NEW JERSEY)
) ss.:
COUNTY OF _____)

On this the _____ day of _____, 20____ before me came _____, who acknowledges and makes proof to my satisfaction that she is the Owner named within this Note, and that she has executed said Note for the purposes set forth therein, sworn to and subscribed by her in my presence on this date.

Sworn to and subscribed before me this the _____ day of _____, 20_____.

A Notary Public/Attorney of the State of New Jersey

EXHIBIT C

**BOROUGH OF MANASQUAN
RESOLUTION
357-2025**

RESOLUTION OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, AUTHORIZING THE MAYOR TO EXECUTE A MEDIATION AGREEMENT BETWEEN THE BOROUGH OF MANASQUAN AND NJSA, INC.

WHEREAS, pursuant to the March 2024 amendments to the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (the "FHA"), the Borough of Manasquan (hereinafter "Borough") filed a Declaratory Judgment Action on January 23, 2025 with the Affordable Housing Dispute Resolution Program (hereinafter "the Program") and the Court; and

WHEREAS, in order to maintain immunity from all Mount Laurel lawsuits, the Borough was required to prepare a Fourth Round Housing Element and Fair Share Plan (the "Fourth Round HEFSP"), which the Borough's Planning Board adopted, the Borough Council endorsed, and the Borough submitted to the Program and the Court for review on June 25, 2025; and

WHEREAS, NJSA, Inc. ("NJSA") filed a challenge to the Borough's Fourth Round HEFSP on August 28, 2025 with the Program and the Court; and

WHEREAS, in order to resolve the challenge before the Program and the Court, the Borough and NJSA negotiated a settlement and drafted a Mediation Agreement, which allows for NJSA to develop an inclusionary project on 29-37 Taylor Avenue and 68-72 Taylor Avenue that will consist of twelve (12) total units, inclusive of an affordable housing set-aside of two (2) affordable family rental units and a payment in lieu for the remaining 0.4 unit-obligation owed (hereinafter the "Project"); and

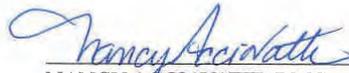
WHEREAS, in connection with its ongoing efforts to satisfy the obligations of the FHA and the judicial requirements of the Mount Laurel Doctrine, the Borough Council deems it appropriate to enter into the Mediation Agreement with NJSA which obligates the Borough and the developer to create creditworthy affordable units within the Project in compliance with the FHA, UHAC, the Program and the Court.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN:

That the Borough Council hereby authorizes and directs the Mayor of the Borough of Manasquan to execute a Mediation Agreement between the Borough and NJSA, Inc., in a form acceptable to the Borough's affordable housing planner, affordable housing attorney and Borough attorney.

CERTIFICATION

I, Nancy Acciavatti, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on December 29, 2025.


NANCY ACCIAVATTI, RMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						✓
BRYANT	✓		✓			
HOLLY						✓
OLIVERA		✓	✓			
TRIGGIANO			✓			
VIDREIRO			✓			
			✓			
ON CONSENT AGENDA			YES	NO		

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

In the Matter of the Application of the Borough of Manasquan, County of Monmouth
Docket No. MON-L-299-25

WHEREAS, the Borough of Manasquan (the “Borough” or “Manasquan”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-391 et. Seq. (the “Fair Housing Act”) on January 23, 2025; and

WHEREAS, the Court having entered an order on April 1, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 67 units, which no party appealed, and ordered the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 25, 2025 (“Adopted HEFSP”);
and

WHEREAS, developer NJSA, Inc. (hereinafter the “Developer”) having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 28, 2025;
and

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

WHEREAS, several Manasquan Borough residents having filed objection letters regarding a specific project in the Borough’s HEFSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) prior to the August 31, 2025 deadline; and

WHEREAS, the Borough and the Developer have agreed to amicably resolve the issues set forth in the Developer’s challenge through this Mediation Agreement and present this

Mediation Agreement for review by the Program, and referral to the Mount Laurel judge for approval pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24; and

THEREFORE, the Borough and the Developer agree:

1. The Developer intends to develop an inclusionary project on 29-37 Taylor Avenue and 68-72 Taylor Avenue that will consist of 12 total units, with an affordable housing set-aside of twenty percent (20%) family rental units or for sale units, which will include 2 low and moderate income family rental units, and the developer will pay an in lieu fee of \$60,000 for the remaining 0.4 unit obligation into the Borough's affordable housing trust fund.
2. All of the affordable units in the project shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), as may be amended from time to time, including but not limited to the required bedroom and income distribution, length of affordability controls, phasing of affordable units, and other relevant affordable housing regulations.
3. The Borough will prepare a redevelopment plan for the site which shall be drafted and adopted by the Borough no later than March 15, 2026. Upon adoption of the redevelopment plan, the Developer shall be permitted to commence the process for obtaining municipal approval of the project, which may include a more detailed developer's agreement between the Borough and Developer if necessary and appropriate at the time.
4. The Borough and the Developer shall present this Mediation Agreement to the Program member for review, subject to final execution by the Developer and a representative of the Borough, once a resolution is adopted by the Borough Council authorizing the execution of the Mediation Agreement within 30 days of presentation to the Program.

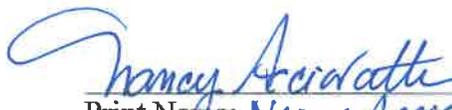
5. Both parties agree to implement the terms of this Mediation Agreement. If the Program, county level housing judge, or any appellate court rejects this Mediation Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to *status quo ante* in this matter as if no settlement was reached and with full reservation of all rights and interests.
6. All parties shall have an obligation to fulfill the intent and purpose of this Mediation Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment.
7. The terms of this Mediation Agreement may be enforced through an enforcement motion in this declaratory judgment action, or through a separate action before the Program or the Superior Court, Law Division.
8. This Mediation Agreement may be executed in counterparts, all of which together shall constitute the same agreement.
9. This Mediation Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties.
10. Each party acknowledges that each has entered into this Mediation Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Mediation Agreement, and that this Mediation Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply.
11. Unless otherwise specified, it is intended that the provisions of this Mediation Agreement are to be severable. The validity of any article, section, clause or provision of this

Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

12. No member, official or employee of the municipality shall have any direct or indirect interest in this Mediation Agreement, nor participate in any decision relating to the Mediation Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

Attest:

BOROUGH OF MANASQUAN


Print Name: Nancy Acciaratti

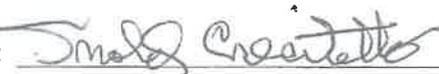
By: 

Date: 1-5-2026

Attest:

NJSA, Inc.

RONALD CASITELLO
Print Name:

By:  Prod.

Date: 12/15/25

EXHIBIT D

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2588-26**

AN ORDINANCE ESTABLISHING CHAPTER 35 (ZONING), SECTION 35-5.25 (AR-3 AFFORDABLE HOUSING ZONE) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Manasquan seeks to provide affordable housing in order to satisfy Round Four requirements.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.25, “Affordable Housing AR-3 Zone (AR-3 Zone)” of the Code of the Borough of Manasquan is hereby established as follows:

The purpose of the Affordable Housing AR-3 Zone (“AR-3 Zone”) is to provide for the development of a multi-family inclusionary development designed to assist the Borough in satisfying its combined Round 4 (2025-2035) Realistic Development Potential (“RDP”) affordable housing obligation through construction of affordable units set aside for low and moderate income households. The AR-3 Zone shall comprise the following tax lot: Lot 57.01, Block 81.

- a. Permitted principal uses. Multi-Family Residential within a mixed-use building. A maximum of twenty-four (24) units are permitted, five (5) of the units shall be low- and moderate-income.
- b. Permitted accessory uses.
 - 1. Off-street parking facilities.
 - 2. Other uses that are customarily incidental to a permitted principal use. No sheds are permitted on the property.
 - 3. Common facilities and amenities serving the residents of the multi-family developments including swimming pools and other on-site recreational areas and facilities, common walkways, sitting areas and gardens, and other similar uses.
 - 4. Fences and walls erected, maintained or planted no greater than six (6) feet above ground level within a side or rear yard, and no greater than four (4) feet within a front yard, and otherwise in accordance with the standards of Section 35-7.5.
 - 5. Bike racks.
 - 6. Solid waste and recycling area, setback at least five (5) feet from any rear yard or side yard. No setback from the parking area is required. The area shall be screened from view from a public right-of-way by a combination of block and chain link fence, and shall have gated access.
 - 7. Site lighting. The arrangement of exterior lighting shall adequately illuminate parking areas, and prevent glare to adjoining residential areas.
- c. Prohibited uses.
 - 1. Parking or storage of boats, boat trailers, motor homes, taxi cabs, limousines, construction equipment, commercial vehicles and recreational vehicles.
- d. Bulk, area and building requirements.

1. Minimum lot size	20,000 square feet
2. Minimum lot frontage	100 feet
3. Minimum lot depth	75 feet
4. Minimum front yard setback	10 feet
5. Minimum one side yard setback	5 feet
6. Minimum rear yard setback	5 feet
7. Maximum building height	40 feet / 3.5 stories ¹
8. Maximum building coverage	65%
9. Maximum lot coverage	85%
10. Minimum parking setback from side lot line	5 feet

¹ Chimneys and cupolas are not counted towards building height.

11. Minimum parking setback rear from lot line 5 feet
- e. Site access, off-street parking, and loading requirements.
 1. One site access driveway shall be provided with a minimum width of 22 ft.
 2. Number of spaces, shall be 1.7 parking spaces per unit.
 3. Parking shall be in the rear yard, and may also be provided beneath the principal building, without setback from a principal or accessory building.
 4. No Loading space is required.
- f. Landscape Buffer. Adjacent to a residential zone a ten (10) foot buffer, a 5 foot portion of which must be planted, landscaped and provides irrigation. Landscaping along the public right-of-way is not required.
- g. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted with a maximum sign area of five (5) square feet
- h. Design Standards. A multi-family building should have a unified theme, displayed through the application of common building materials.
- i. Miscellaneous. The standards of Section 35-7.9 b and e shall not apply.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2588-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.


Keara Homan, RMC
Deputy Municipal Clerk

Mark G. Kitrick, Esquire
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2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026


Michael W. Mangan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2589-26**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-5.20 (AH-O AFFORDABLE HOUSING OVERLAY ZONE) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Manasquan has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Fourth Round Affordable Housing process by drafting an updated affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances; and

WHEREAS, the Borough has determined that enacting an overlay zone that requires developers to set aside a portion of constructed housing units, which extends over portions of the Borough's major thoroughfares, would be a method for ensuring the provision of affordable housing as parcels redevelop.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.20, "AH-O Affordable Housing Overlay Zone," of the Code of the Borough of Manasquan is hereby amended as follows:

Purpose. The purpose of this ordinance is to establish an Affordable Housing Overlay Zoning Ordinance that places an overlay zone over specific areas of the Borough. Given the built-out nature of the Borough, an effective affordable housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This ordinance would ensure that residential affordable housing developments accompany major development, which are in proximity to public transit and the Borough's main mixed-use commercial thoroughfares.

The ordinance includes most parcels fronting State Route 71 between Judas Creek to the north and the Borough's Border with Brielle to the south. It also includes a portion of Main Street from the intersection of Broad and South Streets to Taylor Avenue in the east. The list of specific tax lot included, as well as a map of the area, are appended to the end of this ordinance.

The affordable housing overlay zone will regulate said developments through bulk and design standards. However, the Borough's underlying zoning will still be in effect. This will allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing ("COAH") prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Fourth Round affordable housing obligation.

Section 2: A new section entitled "Affordable Housing Overlay Zoning Provisions" is hereby established as follows:

- a. **Purpose:** The purpose of the Affordable Housing Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act,^[1] and the Housing Element and Fair Share Plan of Manasquan Borough. Permitted and conditional uses within the designated overlay zone shall include all permitted and conditional uses in the underlying zoning district in which the overlay zone is located and allow for affordable housing development within the provisions of this subsection.
- b. **Affordable Housing Overlay Zone:** Tax lots with frontage on portions of Route 71 and Main Street within the Borough of Manasquan will be included in the overlay zone and allow for affordable housing development with no affect to any existing zoning district regulations or standards. A map is attached to this subsection that delineates the overlay zone. Additionally, a

list of all tax lots to be included in the Affordable Housing Overlay Zone is provided below.

- c. Density: The maximum density permitted for all affordable housing development in the overlay zone fronting on Main Street is 14 units per acre. The maximum density permitted for all affordable housing development in the overlay zone fronting on Route 71 is 10 units per acre.
- d. Principal Permitted Uses:
 - 1. All uses permitted within the underlying zoning district in which the overlay zone is located.
 - 2. Affordable housing development for sale or rental housing may include the following uses:
 - a. Mixed uses with ground floor retail;
 - b. Townhouses;
 - c. Age-restricted units, however, age-restricted units shall be permitted to satisfy up to 25% of the Borough's unmet need. Any age-restricted units beyond 25% of the Borough's unmet need shall not be permitted to count as an affordable housing credit against unmet need for the Fourth Round, but may count towards future affordable housing obligations, should future laws or court orders so permit;
 - d. Supportive and special needs housing; and
 - e. Multiple-family residential buildings with five or more units.
 - 3. Accessory Uses:
 - a. Off-street parking facilities in conformance with RSIS standards;
 - b. Signs in accordance with the ordinance requirements;
 - c. Fences, walls, and other accessory uses of the underlying zoning in accordance with the Borough Zoning Ordinance.
 - 4. Common facilities and amenities serving residents of multifamily developments including swimming pools or other on-site recreational facilities, common walkways, sitting areas and gardens, and other similar accessory uses.
 - 5. Affordable Housing Requirements: All affordable housing developments within the overlay zone, for projects consisting of five or more units only, shall provide a minimum of 20% affordable housing units for very-low, low- and moderate-income households in accordance with Manasquan Borough affordable housing requirements. All affordable housing developments shall conform to the standards and requirements found in the Borough of Manasquan's Affordable Housing Ordinance (§ 35-36), including provisions for affordability, very low-income units, and UHAC standards.

Section 3: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2589-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.



Keara Homan, RMC
Deputy Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026



Michael W. Mangan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2590-26**

**AN ORDINANCE ESTABLISHING CHAPTER 35 (ZONING), SECTION 35-5.26
(AR-4 AFFORDABLE HOUSING ZONE) OF THE CODE OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Manasquan seeks to provide affordable housing in order to satisfy Round Four requirements.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.26, “Affordable Housing AR-4 Zone (AR-4 Zone)” of the Code of the Borough of Manasquan is hereby established as follows:

The purpose of the Affordable Housing AR-4 Zone (“AR-4 Zone”) is to provide for the development of a multi-family inclusionary development designed to assist the Borough in satisfying its combined Round 4 (2025-2035) Realistic Development Potential (“RDP”) affordable housing obligation through construction of affordable units set aside for low and moderate income households. The AR-4 Zone shall comprise the following tax lot: Lot 9, Block 62.

- a. Permitted principal uses. Townhouse Residential. A maximum of fourteen (14) units are permitted, three (3) of the units shall be low- and moderate-income.
- b. Permitted accessory uses.
 - 1. Off-street parking facilities.
 - 2. Other uses that are customarily incidental to a permitted principal use. No sheds are permitted on the property.
 - 3. Common facilities and amenities serving the residents of the multi-family developments including swimming pools and other on-site recreational areas and facilities, common walkways, sitting areas and gardens, and other similar uses.
 - 4. Fences and walls erected, maintained or planted no greater than six (6) feet above ground level within a side or rear yard, and no greater than four (4) feet within a front yard, and otherwise in accordance with the standards of Section 35-7.5.
 - 5. Bike racks.
 - 6. Solid waste and recycling area, setback at least five (5) feet from any rear yard or side yard. No setback from the parking area is required. The area shall be screened from view from a public right-of-way by a combination of block and chain link fence, and shall have gated access.
 - 7. Site lighting. The arrangement of exterior lighting shall adequately illuminate parking areas, and prevent glare to adjoining residential areas.
- c. Prohibited uses.
 - 1. Parking or storage of boats, boat trailers, motor homes, taxi cabs, limousines, construction equipment, commercial vehicles and recreational vehicles.
- d. Bulk, area and building requirements.

1. Minimum lot size	20,000
square feet	
2. Minimum lot frontage	100 feet
3. Minimum lot depth	200 feet
4. Minimum front yard setback	25 feet
5. Minimum one side yard setback	10 feet
6. Minimum both side yard setback	25 feet
7. Minimum rear yard setback	25 feet
8. Maximum building height	40 feet / 3.5
stories ¹	

¹ Chimneys and cupolas are not counted towards building height.

9. Maximum building coverage	50%
10. Maximum floor area ratio	1.5
11. Maximum lot coverage	80%
12. Minimum parking setback from side lot line	5 feet
13. Minimum parking setback rear from lot line	10 feet
14. Minimum drive aisle setback from a side lot line	4 feet

- e. Site access, off-street parking, and loading requirements.
 - 1. One site access driveway shall be provided with a minimum width of 22 ft.
 - 2. Number of spaces, shall be 1.7 parking spaces per unit.
 - 3. Parking shall be in the rear yard, and may also be provided beneath the principal building, without setback from a principal or accessory building.
 - 4. No Loading space is required.
- f. Landscape Buffer. Adjacent to a residential zone a ten (10) foot buffer, a 5 foot portion of which must be planted, landscaped and provides irrigation. Landscaping along the public right-of-way is not required.
- g. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted with a maximum sign area of five (5) square feet
- h. Design Standards. A multi-family building should have a unified theme, displayed through the application of common building materials.
- i. Miscellaneous. The standards of Section 35-7.9 b and e shall not apply.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2590-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.


Keara Homan, RMC
Deputy Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 2, 2026
Approved on Second Reading and Final Hearing: March 16, 2026


Michael W. Mangan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2591-26**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING), SECTION 35-5.20 (AH-O AFFORDABLE HOUSING OVERLAY ZONE), ESTABLISHING SECTION 35-5.20(i) (INFILL MULTIFAMILY STANDARDS) OF THE CODE OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Manasquan seeks to provide clear bulk and coverage standards for smaller parcels within the Affordable Housing Overlay (AH-O) Zone; and

WHEREAS, these standards are intended to support transit-accessible housing consistent with the Borough's Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Section 35-5.20(i), "Infill Multifamily Standards" of the Code of the Borough of Manasquan is hereby established as follows:

§ 35-5.20(i) Infill Multifamily Standards

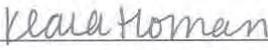
1. **Purpose.** The purpose of this subsection is to provide clear bulk, height, coverage, and parking standards for AH-O parcels that are suitable for multifamily and mixed-income development permitted within the overlay. These standards establish an appropriate infill residential form that complements surrounding neighborhood conditions, reflects existing lot configurations within the AH-O, and supports transit-accessible housing consistent with the Borough's Housing Element and Fair Share Plan.
2. **Applicability.** The standards of this subsection shall apply to all lots within the AH-O Overlay Zone that meet all of the following criteria:
 - (a) The lot contains 0.50 acres or less;
 - (b) The lot fronts on a local or collector street, rather than Route 71 or Main Street; and
 - (c) The lot is located within a half-mile of a rail station, bus stop, or public parking facility.
3. **Permitted Uses.** The following uses are permitted on qualifying AH-O lots:
 - (a) Multifamily residential buildings;
 - (b) Mixed-use buildings with ground-floor nonresidential uses;
 - (c) All principal, accessory, and conditional uses permitted in the AH-O Zone.
4. **Bulk, Height, and Coverage Standards.** The following standards shall apply to all qualifying AH-O lots:
 - (a) Minimum lot area: 15,000 square feet
 - (b) Minimum lot frontage: 150 feet
 - (c) Maximum density: 28 units per acre
 - (d) Maximum building height: 35 feet
 - (e) Maximum building height (stories): 3 stories
 - (f) Minimum front yard setback: 13 feet
 - (g) Minimum side yard setback (each): 4 feet
 - (h) Minimum combined side yard: 8 feet
 - (i) Minimum rear yard setback: 10 feet
 - (j) Maximum building coverage: 35%
 - (k) Maximum lot coverage: 75%
 - (l) Minimum off-street parking: 25 parking spaces
5. **Relationship to Underlying Zoning.** For lots meeting the criteria in subsection (2), the standards of this subsection shall apply in lieu of the bulk, height, coverage, and parking standards of the underlying zoning district. All other AH-O and general zoning requirements remain in effect.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Any and all Ordinances or parts of Ordinances of the Borough of Manasquan Code inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2591-26 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of March 2026, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of March 2026. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.


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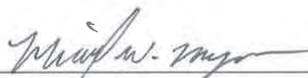

Michael W. Mangan
Mayor

EXHIBIT E

**BOROUGH OF MANASQUAN
RESOLUTION
200-2025**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN APPROVING A FOURTH ROUND
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN AND
REQUESTING PROGRAM AND COURT APPROVAL OF THE
SPENDING PLAN**

WHEREAS, the Borough of Manasquan (hereinafter “Borough” or “Manasquan”) has an approved Development Fee Ordinance that was adopted on December 8, 2008, which established standards for the collection, maintenance, and expenditure of development fees; and

WHEREAS, the Borough’s previous Affordable Housing Trust Fund Spending Plan was approved by the Court on May 22, 2019; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”) which governs how municipalities will comply with their affordable housing obligations for the Fourth Round (2025-2035); and

WHEREAS, the Administrative Office of the Courts issued Directive #14-24 (“AOC Directive #14-24), governing how municipalities file their compliance documents with the Affordable Housing Dispute Resolution Program (“the Program”); and

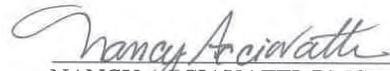
WHEREAS, the Borough has prepared a Fourth Round Spending Plan consistent with the Amended FHA, AOC Directive #14-24, and applicable regulations, which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund and describes the anticipated expenditures of funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council of the Borough of Manasquan hereby approves the Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Program and the Court review and approve the Borough’s Fourth Round Spending Plan.
2. This Resolution shall take effect immediately upon adoption, according to law.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of the Borough of Manasquan at a regular meeting held on the 7th day of July 2025.


 NANCY ACCIAVATTI, RMC
 Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN			✓			
BRYANT		✓	✓			
HOLLY	✓		✓			
OLIVERA			✓			
TRIGGIANO			✓			
VIDREIRO			✓			
ON CONSENT AGENDA			✓	YES	NO	

MANASQUAN BOROUGH
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN
June 2025

The Borough of Manasquan has a history of compliance with its Mount Laurel affordable housing obligation and has previously implemented all necessary ordinances for establishing an affordable housing trust fund financed through the collection of mandatory development fees to assist in accomplishing the provision of affordable housing.

The Borough has prepared a Fourth Round Housing Element and Fair Share Plan that advances a comprehensive strategy for meeting its regional share of affordable housing need in accordance with the intent of 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), and in accordance with the procedural and substantive requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq. The Borough has actively participated in the Fourth Round compliance process.

The Borough's existing development fee ordinance, codified as Chapter 35, Section 35 of the Borough's Municipal Code, most recently revised in 2024, will be updated and continue to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund. 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).

I. Projected Revenues 2025 through 2035

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in the amount of development fees collected to date.

As of December 31, 2024, the Borough had a balance of \$908,152.16 in the trust fund account. Averaging expenditures for 2000 through 2024, the Borough has expended an average of \$62,196.99 per year and had an average income of \$99,901.09 per year in development fees and interest. The average annual development fee collected over this period was \$91,139.93. This figure, in combination with the fund's interest rate, provides a reasonable estimate for anticipated annual development fee revenues through 2035.

The Borough of Manasquan projects a total of \$1,348,058.95 in revenue and interest to be collected from January 1, 2025 to December 31, 2035. This projected amount, when added to the trust fund balance from December 31, 2024, results in an anticipated total revenue of \$2,256,211.11 available to fund and administer the Borough's affordable housing plan and programs. All interest earned on the account shall accrue to the account and be used only for the purposes of affordable housing. See the Projected Revenues Table, appended to the

end of this Spending Plan.

II. Administrative Mechanisms for Collecting and Distributing Revenues

The Borough's Development Fee Ordinance is recorded in Chapter 35, Subsections 34 through 38 of Manasquan's General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

1. Determination of residential development fees;
2. Determination of non-residential development fees;
3. Fee collection procedures;
4. Operation of the affordable housing trust fund;
5. Permitted uses of funds;
6. Monitoring; and
7. Ongoing collection of fees as related to affordable housing compliance.

III. Anticipated Use of Development Fees

As per the Borough's ordinance, development fees shall be used for the sole purpose of providing low- and moderate-income housing. Funding mechanisms can be set up as a grant or revolving loan program to cover costs associated activities including, but not limited to, the following:

1. Preservation or purchase of housing for maintaining or implementing affordability controls;
2. Rehabilitation grants;
3. New construction of affordable housing units and related costs;
4. Implementing accessory apartment, market to affordable, or regional housing partnership programs;
5. Conversion of existing non-residential buildings to create new affordable units;
6. Green building strategies designed to be cost saving and in accordance with accepted national or State standards;
7. Purchase of land or improvement of land to be used for affordable housing;
8. Extensions or improvements of roads and infrastructure to affordable housing sites;
9. Financial assistance designed to increase affordability; and
10. Administration necessary for implementation of the Housing Element and Fair Share Plan.

(A) Anticipated Rehabilitation and New Construction Projects

As discussed in the Housing Element and Fair Share Plan, Manasquan has a rehabilitation present need obligation of zero (0) units in the Fourth Round.

(B) Affordability Assistance Requirement

The Borough anticipates dedicating \$677,100.00 to its affordability assistance program.

As per the requirements of N.J.A.C. 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

Table 1. Minimum Affordability Assistance

Trust fund balance as of 01/01/25	\$908,152.16
Projected development fees plus interest, 2025 - 2035	\$1,348,058.95
PROJECTED TOTAL	\$2,256,211.11
Projected minimum affordability assistance requirement (30%)	\$ 676,863.33
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 225,621.10

Affordability assistance programs may include down payment assistance; security deposit assistance; low interest loans; rental assistance; assistance with homeowner’s association or condominium fees and special assessments; and assistance with emergency repairs.

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

(C) Administrative Expenses

Manasquan Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with N.J.A.C. 5:93-8.16,

the Borough can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

The projected maximum administrative expenditures through 2035 is calculated as follows:

Table 2. Maximum Administrative Expenditures

Trust fund balance as of 01/01/25	\$908,152.16
Projected development fees plus interest, 2025-2035	\$1,348,058.95
PROJECTED TOTAL	\$2,256,211.11
Projected maximum administrative expenditures (20%)	\$ 451,242.22

IV. Expenditure Schedule

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

V. Excess of Funds

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance programs.

VI. Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed within the Affordable Housing Ordinance.

VII. In Sum

Manasquan has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$908,152.16 as of January 1, 2025 and anticipates an additional \$1,348,058.95 in revenues, including interest, by December 31, 2035 for a total of \$2,256,211.11. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$1,127,811.11, which the Borough will

reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.

Table 3: Housing Trust Fund Borough of Manasquan, New Jersey												
Projected Revenues for 2025-2035												
Funding Source	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
AHIF Balance as of 12/31/24	\$ 908,152.16											\$ 908,152.16
Projected Development Fees	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 91,139.93	\$ 1,002,539.23
Prnts in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on total account balance (3.75%)	\$ 33,573.45	\$ 33,109.95	\$ 32,646.45	\$ 32,218.57	\$ 31,790.69	\$ 31,383.44	\$ 30,976.19	\$ 30,568.94	\$ 30,161.68	\$ 29,754.43	\$ 29,335.93	\$ 345,519.72
Total	\$ 1,032,865.54	\$ 124,249.88	\$ 123,786.38	\$ 123,358.50	\$ 122,930.62	\$ 122,523.37	\$ 122,116.12	\$ 121,708.87	\$ 121,301.61	\$ 120,894.36	\$ 120,475.86	\$ 2,256,211.11
Projected Expenditures for 2025-2035												
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation Program												
Affordability Assistance	\$ 63,000.00	\$ 62,500.00	\$ 62,500.00	\$ 61,550.00	\$ 61,550.00	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00	\$ 677,100.00
Administrative Costs	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,000.00	\$ 41,300.00	\$ 451,300.00
												\$ -
Total	\$ 104,000.00	\$ 103,500.00	\$ 103,500.00	\$ 102,550.00	\$ 102,550.00	\$ 102,000.00	\$ 102,300.00	\$ 1,128,400.00				
Projected Balance available for Future Projects and Programs												\$ 1,127,811.11

EXHIBIT F

**BOROUGH OF MANASQUAN
ORDINANCE 2586-26**

AN ORDINANCE OF THE BOROUGH OF MANASQUAN REPEALING AND REPLACING CHAPTER 35-36 OF THE CODE OF THE BOROUGH OF MANASQUAN ENTITLED "AFFORDABLE HOUSING REGULATIONS"

WHEREAS, Chapter 35-36 (Affordable Housing Regulations) of the Code of the Borough of Manasquan has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes Borough wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the Borough or the Borough Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

BE IT ORDAINED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that Chapter 35-36 (Affordable Housing Regulations) of the Code of the Borough of Manasquan is hereby repealed and replaced as follows:

Section 1. Chapter 35-36, Affordable Housing Regulations, of the Code of the Borough of Manasquan, shall be repealed and replaced as follows:

§35-36 Affordable Housing Regulations.

a. Introduction and Applicability.

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

proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.

- b) This Ordinance shall also apply to any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- c) Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

b. Definitions.

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

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

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

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

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

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

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

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

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

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

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

“Affordable housing development” means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-

lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

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

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

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

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

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income

housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of very low-, low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Non-residential development” means:

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

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

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

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

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

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were

not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out

of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Monitoring and Reporting Requirements.

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a) The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - b) On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - c) On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.
- d. Municipality-wide Mandatory Set-Aside.
 1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of twenty percent (20%).
 2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
 3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
 4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
 5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
 6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
 7. In the event that the inclusionary set-aside of twenty percent (20%) of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a) The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b) If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial proformas for one hundred percent (100%) affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a twenty percent (20%) set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

- e. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

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

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

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a) Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

- iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b) above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a) Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.

- a) Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b) In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
 - c) Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d) Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 - e) Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a) Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b) Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

- iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
 - vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
- f. Affordable Housing Programs/Compliance Techniques.
- 1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
 - 2. Accessory Apartment Program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
 - a) Purpose and zoning districts. It is the purpose of this section to allow accessory apartments within all zones located in the Borough to provide for the development of affordable housing to meet the affordable housing needs of very low-, low- and moderate-income residents. This mechanism allows for the use of the Borough's existing and proposed dwellings and accessory buildings to be utilized for affordable housing opportunities. Accessory apartments shall be subject to the bulk and yard requirements of the zone in which the unit is located.

- b) Accessory apartments shall be permitted within the new or existing principle dwelling building or within an existing accessory building that contains an existing dwelling unit.
 - c) The minimum floor area for any accessory apartment shall be 350 square feet.
 - d) Floor area ratio requirements shall not apply to existing building conversions. Floor area ratio requirements shall apply to expansions or new construction.
 - e) Principal buildings shall have only one principal access entry orientated towards the street on which it fronts, and the accessory apartment access shall be provided so that it has a separate distinct entry which does not detract from the character of the principal building. It is the intent to provide accessory apartments while preserving the character of the neighborhood and principal building.
 - f) Parking shall be provided in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21-4.14).
 - g) Accessory apartments shall contain at minimum: Living/sleeping space, cooking facilities with kitchen sink and complete bathroom with shower and sanitary facilities.
 - h) Compliance with affordable housing regulations.
 - i. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - ii. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.
 - iii. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - iv. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - v. Compliance with all other applicable affordable housing requirements set forth herein is required.
 - i) Administration.
 - i. The Borough of Cape May shall designate an administrative entity by municipal resolution to administrate the accessory apartment program.
 - ii. Administration duties shall be in accordance with applicable requirements as set forth herein.
 - iii. The municipality shall provide from its Affordable Housing Trust Fund or some other source, \$25,000 to subsidize the creation of a moderate income accessory apartment unit, \$35,000 to subsidize the creation of a low-income accessory apartment unit, or \$50,000 to subsidize the creation of a very low-income accessory apartment unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
 - j) Review. Applicants for the creation of an accessory apartment shall submit plans of building(s) showing layout of accessory apartment and principal building, entry location, and elevations showing entry locations. A site development plan shall be provided to demonstrate compliance with zoning and parking regulations. Supplemental information demonstrating compliance with this section is required.
3. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- a) An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:

- i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
2. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e) Low- and moderate-income residents cannot be charged any upfront fees.
 - f) The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
3. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
 - a) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
 - iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - v. Occupancy shall not be restricted to youth under 18 years of age.
 - vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with section i above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
 - xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.
- g. Regional Income Limits.
1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
 2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
 3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

h. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a) A studio or efficiency unit shall be affordable to a one-person household;
 - b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - c) A two-bedroom unit shall be affordable to a three-person household;
 - d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e) A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a) A studio or efficiency unit shall be affordable to a one-person household;
 - b) A one-bedroom unit shall be affordable to a one and one-half person household; and

- c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
 10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.
- i. Affirmative Marketing.
 1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
 2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
 3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a) Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b) There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Monmouth, and Ocean Counties.
 - c) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

- d) With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
 4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc.; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP; and the Supportive Housing Association.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- j. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
 2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- k. Occupancy Standards.
1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b) Provide a bedroom for every two adult occupants;
 - c) With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and