

Housing Plan Element and Fair Share Plan

Prepared for:

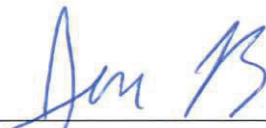
**Borough of Sea Bright
Monmouth County, New Jersey**

**Adopted:
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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 Sea Bright, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. For 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

The Borough of Sea Bright is a 0.7 square mile, suburban Shore community located in north-eastern Monmouth County, directly abutting the Atlantic Ocean. It is bordered by the Borough of Monmouth Beach, to the south, Middletown Township, the Borough of Highlands, and the Borough of Rumson, to the west across the Navesink River, and Sandy Hook National Recreation Area to the north, and the Atlantic Ocean to the east. Sea Bright is a Shore Town, and its land uses are typical of a suburban beach community and consist mostly of residential with some commercial uses located along NJ Route 36/Ocean Ave.

The Borough contains or is in the immediate vicinity of several notable natural features. Sea Bright is situated on a barrier peninsula separating the Navesink and Shrewsbury Rivers from the Atlantic Ocean. The eastern border with Highlands, Middletown, and Rumson is formed by the Highlands Reach, a small sliver of water that connects the Navesink and Shrewsbury Rivers to the mouth of the Raritan Bay.

Sea Bright had a population of 1,657 in 2023, according to the U.S. Census Bureau's American Community Survey Demographics and Housing Estimates. Sea Bright has a population density of 1,284 persons per square mile of land area, which is less dense than Monmouth County's overall density of 1,374 persons per square mile. Sea Bright 2023 median household income estimate of \$127,738 was higher than that of the County (\$122,727), and the State (\$101,050). In the guidelines established by COAH, Sea Bright Borough is in affordable housing Region 4 which is comprised of Mercer, Monmouth, and Ocean Counties.

DEMOGRAPHIC CHARACTERISTICS

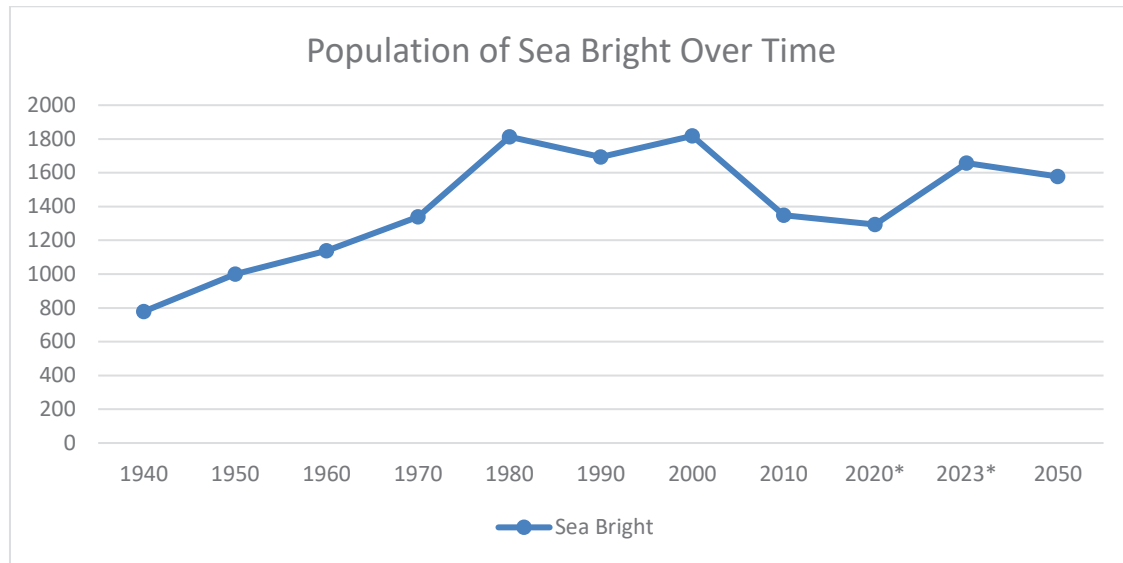
POPULATION

In 2023, the Borough of Sea Bright had a total population of 1,657. This number represented a net increase of 364 individuals or 28.1 percent since the 2020 Census. Sea Bright's population grew steadily from 1940 through 1980 but had begun to slow by the year 1990. Sea Bright experienced its largest population increase during the 1980s decade, with the Borough growing by 35.3 percent (473 new residents). During the decade of 2010, Sea Bright experienced its largest recorded decline in population, losing 470 residents, over a quarter of the Borough's population. The 2023 population of 1,657 represented approximately 0.3% percent of the total population of Monmouth County. The total population pattern over time for Sea Bright, Monmouth County, and the State of New Jersey are detailed below.

TABLE 1: POPULATION TRENDS, 1940-2023

Year	Sea Bright			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	779	-	-	161,238	64,089	39.70%	4,160,165	-	-
1950	999	220	28.2%	225,327	109,074	48.40%	4,835,329	675,164	16.20%
1960	1,138	139	13.9%	334,401	127,448	38.10%	6,066,782	1,231,453	25.50%
1970	1,339	201	17.7%	461,849	41,324	8.90%	7,171,112	1,104,330	18.20%
1980	1,812	473	35.3%	503,173	49,951	9.90%	7,365,011	193,899	2.70%
1990	1,693	-119	-6.6%	553,124	62,177	11.20%	7,730,188	365,177	5.00%
2000	1,818	125	7.4%	615,301	15,079	2.50%	8,414,350	684,162	8.90%
2010	1,348	-470	-25.9%	630,380	13,235	2.09%	8,791,894	377,544	4.50%
2020*	1,293	-55	-4.1%	620,821	-9,559	-1.5%	8,885,418	93,524	1.0%
2023*	1,657	364	28.1%	643,615	22,794	3.7%	9,267,014	381,596	4.2%
2050**	1,578	-79	-4.8%	669,624	26,009	4.0%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)
 NJSDC 2000 Census Publication: New Jersey Population Trends 1790 to 2000
 *U.S. Census Bureau, 2010-2023 ACS 5-Year Estimates (table DP05)
 **Projections from North Jersey Transportation Planning Authority



POPULATION COMPOSITION BY AGE

The age composition of Sea Bright has shifted noticeably since the 2010 Census. According to American Community Survey 2023 5-Year Estimates, significant changes occurred in many age groups. Children under the age of five (5) saw the largest decline, decreasing nearly 60 percent. Adults aged 85 and older and adults between the ages of 25 to 34 saw the second and third largest population decline, contracting by approximately -25 percent and -15 percent, respectively. Overall, since the 2010 Census, the Borough of Sea Bright expanded its population by 309 persons, a percentage increase of 22.9%.

TABLE 2: POPULATION BY AGE COHORT, SEA BRIGHT, 2010-2023

Population	2010		2023		Change 2010-2023	
	Number	Percent	Number	Percent	Number	Percent
Total population	1,348	100.0%	1,657	100.0%	309	22.9%
Under 5 years	66	4.9%	26	1.6%	-40	-60.6%
5 to 9 years	71	5.3%	94	5.7%	23	32.4%
10 to 14 years	20	1.5%	40	2.4%	20	100%
15 to 19 years	17	1.3%	26	1.6%	9	52.9%
20 to 24 years	33	2.4%	42	2.5%	9	27.3%
25 to 34 years	205	15.2%	174	10.5%	-31	-15.1
35 to 44 years	213	15.8%	187	11.3%	-26	-12.2%
45 to 54 years	277	20.5%	298	18.0%	21	7.6%
55 to 59 years	120	8.9%	186	11.2%	66	55%
60 to 64 years	66	4.9%	197	11.9%	131	198.5%
65 to 74 years	149	11.1%	229	13.8%	80	53.7%
75 to 84 years	79	5.9%	134	8.1%	55	69.6%
85 years and over	32	2.4%	24	1.4%	-8	-25%
U.S. Census Bureau, American Community Survey 2010-2023 5- Year Estimates (table DP-05)						

Monmouth County also experienced shifts in the age make-up of its population. In contrast with Sea Bright, the County experienced a significant decrease in the elementary through high school-aged population. Monmouth County's 35 to 54 years age cohorts experienced significant decreases in population. Similar to the Borough, the percentage of all the County's age cohorts over the age of 55 years experienced increases between 2010 and 2023, suggesting that the County, like Sea Bright, has an aging population. However, while the percentage of Sea Bright's population over the age of 85 decreased, the percentage of the County's population overall increased; suggesting that while the County's population is aging overall, the oldest residents may be moving out of Sea Bright. The similarities in population age distribution between the Borough and the County are illustrated by the likeness in the shape of their population pyramids provided below.

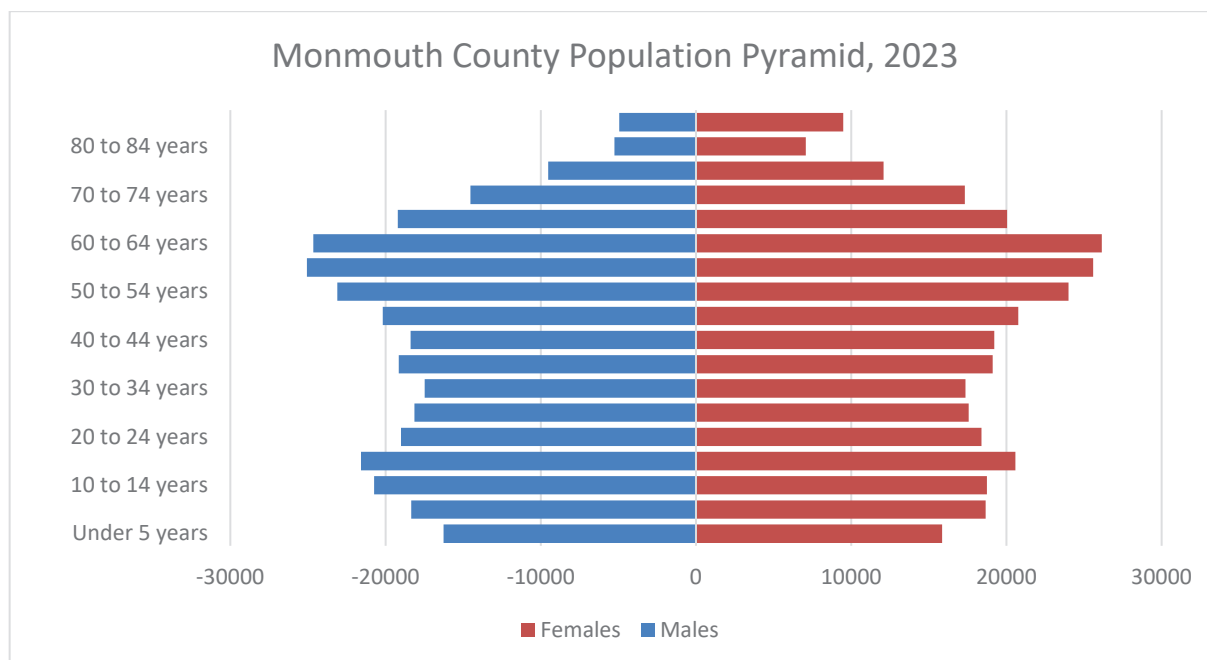
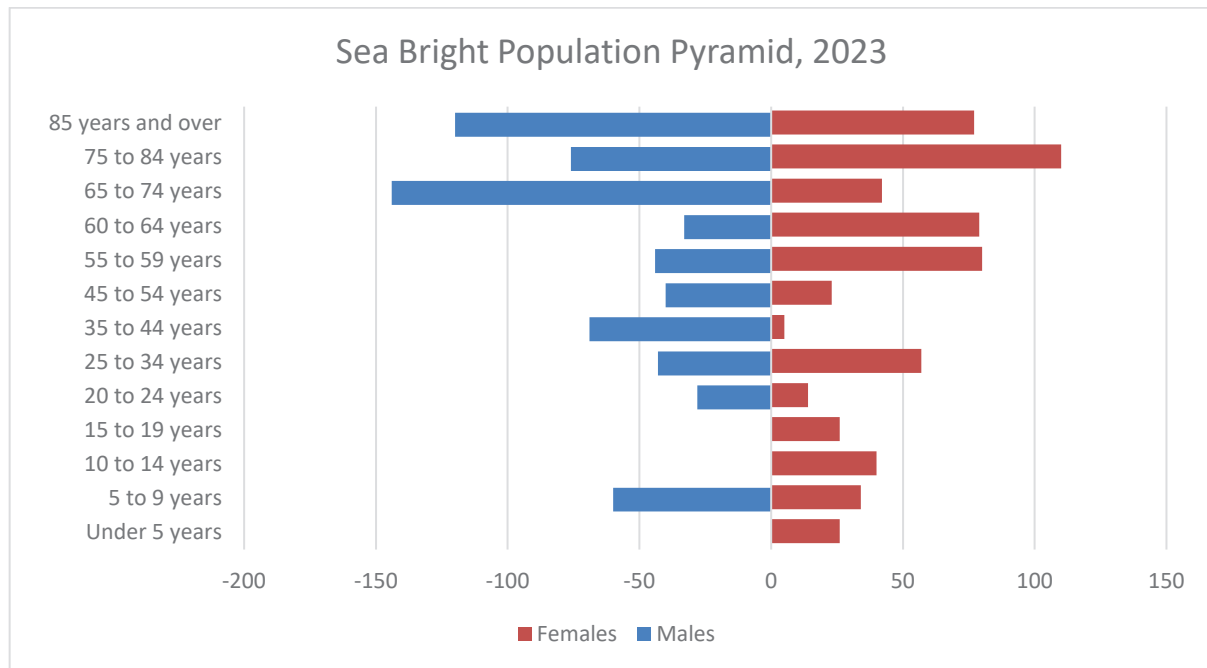
TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2010-2023

Population	2010		2023		Change 2010-2023	
	Number	Percent	Number	Percent	Number	Percent
Total population	628,112	100.0%	643,615	100.0%	15,503	2.5%
Under 5 years	36,105	5.7%	32,114	5.0%	-3,991	-11.1%
5 to 9 years	43,432	6.9%	37,013	5.8%	-6,419	-14.8%
10 to 14 years	45,172	7.2%	39,484	6.1%	-5,688	-12.6%
15 to 19 years	44,706	7.1%	42,163	6.6%	-2,543	-5.7%
20 to 24 years	33,055	5.3%	37,390	5.8%	4,335	13.1%
25 to 34 years	63,105	10.0%	70,569	11.0%	7,464	11.8%
35 to 44 years	93,461	14.9%	75,860	11.8%	-17,601	-18.8%
45 to 54 years	108,675	17.3%	88,083	13.7%	-20,592	-18.9%
55 to 59 years	42,594	6.8%	50,654	7.9%	8,060	18.9%
60 to 64 years	34,235	5.5%	50,797	7.9%	16,562	48.4%
65 to 74 years	41,719	6.6%	71,107	11.0%	29,388	70.4%
75 to 84 years	29,301	4.7%	33,953	5.3%	4,652	15.9%
85 years and over	12,552	2.0%	14,428	2.2%	1,876	14.9%
U.S. Census Bureau, American Community Survey 2023 5- Year Estimates (table DP-05)						

The median age of Borough residents increased sharply between 2010 and 2023, rising from 47.1 years of age to 52.9 years. This trend follows a similar, albeit less extreme, rise in the median age of Monmouth County and New Jersey's population as well, from 40.6 years to 43.4 years and 38.5 years to 40.1 years, respectively.

TABLE 4: MEDIAN AGE

Year	Sea Bright	Monmouth County	New Jersey
2010	47.1	40.6	38.5
2023	52.9	43.2	40.1
Change	5.8	2.6	1.6
U.S. Census Bureau, 2020 Decennial Census (table DP-1)			
U.S. Census Bureau, American Community Survey 2010-2020 5-Year Estimates (table DP-05)			



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 918 households in the Borough. The largest percentage of households in Sea Bright consisted of one (1) person households (46%), followed closely by two (2) person households, which made up 41.5 percent of the Borough.

Together, one (1) and two (2) households make up 87.5 percent of all housing in Sea Bright. In Monmouth County, the largest percentage of households consisted of two (2) people, at 32.5%. One (1) and two (2) person households together consisted of 59.1 percent of all households in the County. The average household size in the Borough (1.81 persons) is smaller than that of the County (2.55 persons).

**TABLE 5: HOUSEHOLD CHARACTERISTICS
SEA BRIGHT AND MONMOUTH COUNTY, 2023**

	Sea Bright		Monmouth County	
	Number	Percent	Number	Percent*
Total Households	918	100.0%	250,195	100.0%
1-person	422	46.0%	66,589	26.6%
2-persons	381	41.5%	81,289	32.5%
3-persons	36	3.9%	40,929	16.4%
4 or more persons	79	8.6%	61,388	24.5%
Average Household Size	1.81		2.55	
U.S. Census Bureau, American Community Survey 2020 5 Year Estimates (tables S2501 & B25010)*-percentages may not total 100 due to rounding				

Family households are defined as two or more persons living in the same household, related by blood, marriage or adoption. Most households in Sea Bright were non-family households, comprising 67.9 percent of all households. Approximately 30.4 percent of all households were family households with married couple householders, while zero percent and 1.4 percent of households consisted of single parent male or female householders, respectively. The average family size was 2.76 persons. Of all Borough households, 32.1 percent were family households.

TABLE 6: HOUSEHOLDS BY TYPE (2023)

Household Size	Total	Percent
Total Households	918	100.0%
1 person household	422	46.0%
2 or more person household	496	54.0%
Family households	295	32.1%
Married Couple Family	279	30.4%
With own children under 18 years	80	28.7%
No children under 18 years	199	71.3%
Other Family	16	1.7%
Male householder, no spouse present	0	0.0%
With own children under 18 years	0	0.0%
No own children under 18 years	0	0.0%
Female householder, no spouse present	16	1.7%
With own children under 18 years	0	0.0%
No own children under 18 years	0	0.0%
Nonfamily Households	623	67.9
Average Family Size (persons)	2.76	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501, S1101)		

INCOME

Sea Bright experienced a 35.6 percent increase in per capita income between 2010 and 2023, much lower than Monmouth County's 60 percent increase, and the State's 52.4 percent increase over the same period. While per capita incomes in the Borough grew at a slower rate, Sea Bright residents still have much higher per capita incomes overall; ≈\$46,300 more than Monmouth County residents and ≈\$58,800 more than State residents.

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
Sea Bright	\$82,535	\$111,877	35.6%	\$74,236	\$127,738	72.1%
Monmouth County	\$40,976	\$65,545	60.0%	\$82,265	\$122,727	49.2%
New Jersey	\$34,858	\$53,118	52.4%	\$69,811	\$101,050	44.7%
U.S. Census Bureau, 2010-2020 ACS Selected Population Tables (table DP03)						
U.S. Census Bureau, American Community Survey 2010-2023 5-Year Estimates (tables S1902 and S1903)						

Similar to per capita incomes, Sea Bright's 2023 median household income was higher the County and State overall; ≈\$5,000 higher than the County and ≈\$26,700 more than the State as a whole. The percentage growth rate of Borough median incomes were 72.1 percent, as compared with 49.2 percent for the Monmouth County and 44.7 percent for New Jersey, respectively.

The income bracket containing the highest percentage of households was \$200,000 or more for both Sea Bright and the County, containing 30.5 percent and 27.7 percent of Borough and County residents respectively. However, the second largest household income bracket in the Borough was \$100,000 to \$124,999 (13%), while Monmouth County's second largest income block was \$150,000 to \$199,999 (13.6%). More than half of Borough households (63.9%) had incomes over \$100,000, while the same only applies to 58.9 percent of households in Monmouth County.

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

	Sea Bright		Monmouth County	
	Number	Percent*	Number	Percent*
Total Households	918	100.0%	250,195	100.0%
Less than \$10,000	6	0.7%	8,165	3.3%
\$10,000 to \$14,999	14	1.5%	5,319	2.1%
\$15,000 to \$19,999	6	0.7%	5,203	2.1%
\$20,000 to \$24,999	20	2.2%	5,578	2.2%
\$25,000 to \$29,999	0	0.0%	5,530	2.2%
\$30,000 to \$34,999	42	4.6%	5,175	2.1%
\$35,000 to \$39,999	33	3.6%	5,648	2.3%
\$40,000 to \$44,999	27	2.9%	5,544	2.2%
\$45,000 to \$49,999	9	1.0%	6,198	2.5%
\$50,000 to \$59,999	61	6.6%	9,995	4.0%
\$60,000 to \$74,999	26	2.8%	15,158	6.1%
\$75,000 to \$99,999	88	9.6%	25,542	10.2%
\$100,000 to \$124,999	119	13.0%	24,161	9.7%
\$125,000 to \$149,999	97	10.6%	19,756	7.9%
\$150,000 to \$199,999	90	9.8%	33,996	13.6%
\$200,000 or more	280	30.5%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				
*-percentages may not total 100 due to rounding				

HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Sea Bright in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 200 Borough households (29.7%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percentage 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 102 households renting in Sea Bright (41.7%) were spending over 30 percent of their income on rent. The State affordability threshold for housing as a percentage 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

	Sea Bright		Monmouth County	
	Number	Percentage*	Number	Percentage*
Total Owner-Occupied Housing Units	673	100.0%	188,578	100.0%
Less than 10.0 percent	119	17.7%	28,917	15.3%
10.0 to 14.9 percent	63	9.4%	32,253	17.1%
15.0 to 19.9 percent	77	11.4%	31,997	17.0%
20.0 to 24.9 percent	147	21.8%	25,780	13.7%
25.0 to 29.9 percent	61	9.1%	16,946	9.0%
30.0 to 34.9 percent	29	4.3%	10,722	5.7%
35.0 to 39.9 percent	56	8.3%	8,426	4.5%
40.0 to 49.9 percent	16	2.4%	10,377	5.5%
50.0 percent or more	99	14.7%	21,847	11.6%
Not computed	6	0.9%	1,313	0.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				
*-percentages may not total 100 due to rounding				

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

	Sea Bright		Monmouth County	
	Number	Percentage*	Number	Percentage*
Total Renter-Occupied Housing Units	245	100.0%	61,617	100.0%
Less than 10.0 percent	8	3.3%	2,113	3.4%
10.0 to 14.9 percent	32	13.1%	4,993	8.1%
15.0 to 19.9 percent	43	17.6%	6,970	11.3%
20.0 to 24.9 percent	31	12.7%	6,927	11.2%
25.0 to 29.9 percent	18	7.3%	6,419	10.4%
30.0 to 34.9 percent	58	23.7%	4,751	7.7%
35.0 to 39.9 percent	7	2.9%	3,057	5.0%
40.0 to 49.9 percent	6	2.4%	6,163	10.0%
50.0 percent or more	31	12.7%	16,805	27.3%
Not computed	11	4.5%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				
*-percentages may not total 100 due to rounding				

EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

Sea Bright's housing stock is predominantly owner occupied and relatively new. According to the 2023 ACS, the Borough had a total of 1,135 housing units, 918 (80.9%) of which are occupied. Of the Borough's fully occupied housing units, most (73.3%) were owner-occupied, while 26.7 percent were renter-occupied. Most of the housing units built in Sea Bright (51.6%) were constructed during

a building boom between the 1970s and 1980s. Housing construction appears to have slowed since that time. The median age of the Borough's housing is 1977. Most of Sea Bright's vacant housing units (70.5%) are attributed to 'seasonal, recreational, or occasional uses.

TABLE 11: OCCUPANCY DATA, 2023

Housing Units in Sea Bright		Number	Percent*
Total Housing Units		1,135	100%
	Occupied Housing Units	918	80.9%
	Owner Occupied	673	73.3%
	Renter Occupied	245	26.7%
Vacant Housing Units		217	19.1%
	For Rent / Rented Not Occupied	23	10.6%
	For Sale Only	18	8.3%
	Sold, not occupied	0	0.0%
	For Seasonal, Recreational or Occasional Use	153	70.5%
	Other Vacant	23	10.6%
U.S. Census Bureau, American Community Survey 2023 (tables DP04 and B25004)			
*-percentages may not total 100 due to rounding			

TABLE 12: AGE OF HOUSING, 2023

	Number	Percent
Built 2020 or later	8	0.7%
Built 2010 to 2019	87	7.7%
Built 2000 to 2009	92	8.1%
Built 1990 to 1999	24	2.1%
Built 1980 to 1989	255	22.5%
Built 1970 to 1979	331	29.2%
Built 1960 to 1969	86	7.6%
Built 1950 to 1959	104	9.2%
Built 1940 to 1949	8	0.7%
Built 1939 or earlier	140	12.3%
Total	1,135	100.0%
Median Year Structure Built	1977	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

HOUSING TYPE AND SIZE

38.3 percent of all housing in Sea Bright is comprised of detached, one (1) unit dwellings. Together with one (1) unit attached dwellings, a slight majority (51.7%) of all housing stock in the Borough is dedicated to one (1) unit housing. '20 Units or more' housing structures comprised an additional

20.6 percent of the Borough's housing stock. The median number of rooms per unit was 5.0.

TABLE 13: HOUSING UNITS BY TYPE, 2023

Units in Structure	Total	Percent
Total	1,135	100.0%
1 Unit, detached	321	28.3%
1 Unit, attached	266	23.4%
2 Units	70	6.2%
3 or 4 Units	35	3.1%
5 to 9 Units	92	8.1%
10 to 19 Units	117	10.3%
20 Units or more	234	20.6%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	42	3.7%
2 rooms	52	4.6%
3 rooms	124	10.9%
4 rooms	199	17.5%
5 rooms	293	25.8%
6 rooms	146	12.9%
7 rooms	94	8.3%
8 rooms	49	4.3%
9 or more rooms	136	12.0%
Median number of rooms	5.0	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (DP04)		

HOUSING VALUES AND CONTRACT RENTS

According to the 2023ACS 5-Year Estimates, the median value of owner-occupied housing units in Sea Bright was \$815,400, with a total of 92.3 percent of units valued at \$300,000 or greater. Table 14 provides a breakdown of home values for owner-occupied units within the Borough. There were no reported housing units in Sea Bright that were worth less than \$100,000.

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

	Sea Bright		Monmouth County	
	Number	Percentage	Number	Percentage
Total	673	100.0%	188,578	100.0%
Less than \$50,000	0	0.0%	3,202	1.7%
\$50,000 to \$99,999	0	0.0%	2,703	1.4%
\$100,000 to \$149,999	0	0.0%	1,760	0.9%
\$150,000 to \$199,999	0	0.0%	2,797	1.5%
\$200,000 to \$299,999	52	7.7%	12,780	6.8%
\$300,000 to \$499,999	69	10.3%	55,119	29.2%
\$500,000 to \$999,999	344	51.1%	88,909	47.1%
\$1,000,000 and greater	208	30.9%	21,308	11.3%
Median Value	\$815,400		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

With respect to renter-occupied units, there are a range of rents, with the largest segment of rental units in the Borough (28.6%) carrying costs within the \$1,000 to \$1,499 range per month. This was closely followed by the \$1,500 to \$1,999 range and the \$2,000 to \$2,499 range, accounting for 26.1 percent and 20.9 percent of the Township, respectively. At the time of the ACS 5-Year Estimates, the median gross rent in Sea Bright was \$1,910, \$139 above the County median rent of \$1,437. No units in the Borough were reported to have carried rental costs of less than \$1,000 per month, while only 11 units required no cash rent payments.

TABLE 15: GROSS RENT PAID, 2023

	Sea Bright		Monmouth County	
	Number	Percentage	Number	Percentage
Total	234	100.0%	59,223	100.0%
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	67	28.6%	13,711	23.2%
\$1,500 to \$1,999	61	26.1%	15,499	26.2%
\$2,000 to \$2,499	49	20.9%	10,920	18.4%
\$2,500 to \$2,999	41	17.5%	6,150	10.4%
\$3,000 or more	16	6.8%	5,445	9.2%
No cash rent	11	(X)	2,394	(X)
Median Contract Rent	1910		1771	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

HOUSING CONDITIONS

According to the 2023 ACS, there were no owner occupied units exhibiting overcrowding (more than one person per room), however there were 14 renter occupied units that were experiencing a degree of overcrowding. No units lacking complete plumbing facilities, and no units lacking complete kitchen facilities were reported in Sea Bright. 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, 1.5 percent of occupied housing units

experienced over-crowding, while 0.0% of occupied units lacked complete plumbing facilities and 0.0% lacked complete kitchen facilities.

TABLE 16: HOUSING DEFICIENCY CHARACTERISTICS, 2023

	Count	Percent
Housing Units with 1.01 or More Persons Per Room		
Owner-Occupied	0	0.0%
Renter-Occupied	14	1.5%
Total Occupied Housing Units	918	100.0
Lacking complete plumbing facilities	0	0.0%
Total Occupied Housing Units	918	100.0
Lacking complete kitchen facilities	0	0.0%
U.S. Census Bureau, American Community Survey 2023 (tables B25014, S2504)		

PROJECTED HOUSING STOCK

According to the New Jersey Department of Community Affairs, Sea Bright Borough issued building permits for 180 new residential dwelling units between January 2004 and December 2023. During that same time period, the Borough also issued 114 residential demolition permits. Subtracting demolition permits from construction permits yields a net increase of 68 dwelling units over this time period.

TABLE 17: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED, 2004 - 2023

Year	1 & 2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2004	15	2	0	17	5	12
2005	14	0	0	14	5	11
2006	8	0	0	8	4	4
2007	23	0	0	23	1	22
2008	7	0	0	7	2	5
2009	0	0	0	0	0	0
2010	2	0	0	2	2	0
2011	3	0	0	3	3	0
2012	1	0	0	1	14	-13
2013	1	4	0	5	33	-28
2014	0	0	0	0	0	0
2015	0	0	0	0	0	0
2016	1	0	0	1	0	1
2017	10	0	0	10	15	-5
2018	11	12	0	23	7	16
2019	12	12	0	24	6	18
2020	2	12	0	14	3	11
2021	11	0	0	11	5	6
2022	9	0	0	9	6	3
2023	8	0	0	8	3	5
Total	138	42	0	180	114	68

Source: NJ DCA Construction Reporter

EMPLOYMENT DATA

Data set DP03 of the 2023 ACS reports on work activity of residents aged 16 years and older. While the Borough's working age population was 1,497 residents, Sea Bright had an approximate labor force of 1,023 residents. Approximately 31.74 percent of the Borough's working age residents were not participating in the labor force at the time of the estimates. All of the Borough's labor force was employed in civilian jobs, with zero (0) residents reported as members of the armed forces. Approximately 2.9 percent of Borough residents reported being unemployed.

TABLE 18: EMPLOYMENT STATUS, 2023

	Sea Bright		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	1,497	100.0%	526,352	100.0%
In labor force	1,023	68.3%	349,815	66.5%
Civilian Labor Force	1,023	68.3%	349,355	66.4%
Employed	979	65.4%	331,018	62.9%
Unemployed	44	2.9%	18,337	3.5%
Armed Forces	0	0.0%	460	0.1%
Not in labor force	474	31.7%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates table DP03				

A majority of the Borough's workers, 77.6 percent, were employed in private wage and salary positions, while 11.3% of workers were self-employed. Government workers comprised approximately 11.0 percent of the Borough's workforce. Table 19 provides a breakdown of worker classifications.

TABLE 19: CLASSIFICATION OF WORKERS IN SEA BRIGHT, 2023

	Number	Percent
Total	979	100.0%
Private Wage and Salary Worker	760	77.6%
Government Worker	108	11.0%
Self-Employed Worker	111	11.3%
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 Sea Bright were involved in a range of economic sectors. The highest concentration of workers (18.6%) was in the 'Educational services, and health care and social assistance' sector. 17.6 percent were employed in 'Finance and insurance, and real estate and rental and leasing' and another 16.4 percent were working in 'Professional, scientific, and management, and administrative and waste management services'.

TABLE 20: WORKFORCE BY SECTOR, 2023

Industry	Number	Percent
Civilian employed population 16 years and over	979	100%
Agriculture, forestry, fishing and hunting, mining	42	4.3%
Construction	54	5.5%
Manufacturing	50	5.1%
Wholesale Trade	27	2.8%
Retail Trade	54	5.5%
Transportation and Warehousing, and Utilities	0	0.0%
Information	26	2.7%
Finance and insurance, and real estate and rental and leasing	172	17.6%
Professional, scientific, and management, and administrative and waste management services	161	16.4%
Educational services, and health care and social assistance	182	18.6%
Arts, entertainment, and recreation, and accommodation and food services	88	9.0%
Other Services, except public administration	63	6.4%
Public administration	60	6.1%
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. In both Sea Bright and Monmouth County, the 'education services, and health care and social assistance' sector, make up the largest segment of employment, 18.6 percent and 24.4 percent, respectively. With all other workforce sectors, the Borough's profile of employment differs notably from the County's. In Sea Bright, the next two largest workforce sectors are 'Finance and insurance, and real estate and rental and leasing' (17.6%) and 'Professional, scientific, and management, and administrative and waste management services' (15.5%). In Monmouth County the next two largest sectors were 'Professional, scientific, and management, and administrative and waste management services' (15.5%) and 'Retail Trade' (10.5%).

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

Industry	Sea Bright	Monmouth County
Civilian employed population 16 years and over	979	331,018
Agriculture, forestry, fishing and hunting, mining	4.3%	0.4%
Construction	5.5%	7.0%
Manufacturing	5.1%	6.2%
Wholesale Trade	2.8%	2.5%
Retail Trade	5.5%	10.5%
Transportation and Warehousing, and Utilities	0.0%	4.4%
Information	2.7%	3.2%
Finance and insurance, and real estate and rental and leasing	17.6%	10.3%
Professional, scientific, and management, and administrative and waste management services	16.4%	15.5%
Educational services, and health care and social assistance	18.6%	24.4%
Arts, entertainment, and recreation, and accommodation and food services	9.0%	7.7%
Other Services, except public administration	6.4%	3.7%
Public administration	6.1%	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. About half of the Borough's employed civilian labor force was employed in 'management, business, science, and arts occupations'; while another 29.2 percent of the labor force was employed in 'sales and office occupations'.

TABLE 22: OCCUPATIONS BY TYPE, 2023

	Number	Percentage
Employed Civilian population 16 years and over	979	100.0%
Management, business, science and arts occupations	496	50.7%
Service occupations	98	10.0%
Sales and office occupations	286	29.2%
Natural resources, construction and maintenance occupations	89	9.1%
Production Transportation and material moving occupations	10	1.0%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

As shown in Table 23, 44.7 percent of Sea Bright residents commute less than half an hour from home to their place of work, approximately one-third of residents (32.7%) commute between half an hour to an hour from home to their place of work, and 22.5 percent of residents have commutes greater than one hour. Mean travel time to work was 37.6 minutes, greater than the Monmouth County average of 32.8 minutes. Most Sea Bright workers who commute to work do so by private automobile (59.9%). With NJ Route 36/Ocean Avenue being the only north/south thoroughfare in the Borough, traffic conditions can fluctuate heavily during the warmer months of the year. Those who commuted via public transit (excluding taxies) were the second largest group and consisted of 14.3% of Sea Bright residents. 15.3 percent of Sea Bright residents were reported to have worked from home, whereas the 2020 ASC 5 year Estimate reported that about 3.5 percent of Borough residents worked from home.

TABLE 23: TRAVEL TIME TO WORK, 2023

	Sea Bright		Monmouth County	
	Number	Percent*	Number	Percent*
Workers who did not work at home	765	100.0%	270,382	100.0%
Less than 5 minutes	0	0.0%	7,133	2.6%
5 to 9 minutes	57	7.5%	23,580	8.7%
10 to 14 minutes	71	9.3%	34,617	12.8%
15 to 19 minutes	108	14.1%	34,788	12.9%
20 to 24 minutes	76	9.9%	30,346	11.2%
25 to 29 minutes	30	3.9%	15,220	5.6%
30 to 34 minutes	92	12.0%	30,368	11.2%
35 to 39 minutes	63	8.2%	8,941	3.3%
40 to 44 minutes	4	0.5%	12,716	4.7%
45 to 59 minutes	92	12.0%	25,519	9.4%
60 to 89 minutes	85	11.1%	27,152	10.0%
90 or more minutes	87	11.4%	20,002	7.4%
Mean travel time to work (minutes)	37.6		32.8	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03 and B08303)				
*-percentages may not total 100 due to rounding				

TABLE 24: MEANS OF COMMUTE, 2023

	Sea Bright		Monmouth County	
	Number	Percent	Number	Percent
Workers 16 years and over	903	100.0%	325,092	100.0%
Car, truck, van- Drove Alone	541	59.9%	217,077	66.8%
Car, truck, van- Carpooled	21	2.3%	23,553	7.2%
Public Transportation	130	14.4%	17,981	5.5%
Walked	32	3.5%	4,775	1.5%
Other Means	41	4.5%	6,996	2.2%
Worked at home	138	15.3%	54,710	16.8%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimate (table DP03)				

As indicated in Table 25 below, it is projected that Monmouth County will add 21,400 jobs by 2032. The Ambulatory Health Care Services sector is poised to experience the greatest increase in the number of jobs over the projection period, with utilities and transportation and warehousing slated to experience the second and third greatest overall increase in number of jobs between 2022 and 2032, respectively.

TABLE 25: 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 Two Rivers Water Reclamation Authority is the sewer utility provider within the Borough. The sewerage collection system consist of three pump stations that are located in the northerly and central portions of the Borough. These pumping stations are connected via six- and eight-inch force mains, as well as 12- to 15-inch gravity lines. In the southerly portion of the Borough, a 24-inch gravity line connects the Borough's system to a pump station in Monmouth Beach. Sewerage is then treated at the Two Rivers Water Reclamation Authority's facility in Monmouth Beach, which has a maximum flow capacity of 14.0 million gallon-per-day. Treated effluent is discharged into the Atlantic Ocean at a distance of approximately one-half mile from the shoreline.

New Jersey American Water is the water utility provider within the Borough. The Borough is serviced by an 18-inch pipeline that enters Sea Bright from Rumson in the vicinity of the central business district. A 12-inch water main extends in a southerly direction to Monmouth Beach, and an eight-inch water main extends in a northerly direction. The remainder of the lines are four inches in diameter. At the time of the 2017 Master Plan publication, New Jersey American Water was in the process of installing a new water main under the Shrewsbury River from Rumson Borough. The new water main will enter Sea Bright Borough to the south of the Shrewsbury River Bridge.

Anticipated Demand and Land Use Patterns

The Borough of Sea Bright contains residential neighborhoods, commercial development, and public uses with limited vacant land. According to NJTPA population estimates projected to 2050, it is anticipated that the Borough's population will decrease by approximately 79 people (-4.8%).

Residential

The Borough is predominately zoned for single family residential uses in the northern portion of town, west of Ocean Avenue. Zoning south of the Shrewsbury River Bridge, features a mix of residential, including single family and multi-family, and non-residential uses on both sides of Ocean Avenue.

Non-Residential

Commercial uses within the Borough of Sea Bright tend to be focused along the State Highway 36/ Ocean Avenue, the Borough's only major north/south road in the Borough. Other non-residential uses consist of commercial and retail properties, primarily concentrated in the southern portion of the Borough, public beaches, and several small marinas and boat slips. New non-residential development will continue to take place as the market allows along the major transportation corridors within the Borough.

Environmental Constraints

Being located on a narrow barrier peninsula facing the Atlantic Ocean, strong storms and flooding have always been a concern for the Borough. Sea Bright is nearly entirely encumbered by a special flood hazard area. Wetland areas are found on the sedge islands that are located within the Shrewsbury River. In addition, portions of the Borough may be situated within regulatory buffers of the Shrewsbury River, which is a state-designated Category 1 waterway. State-designated Category 1 waterways are protected from measurable changes in water quality, because of their exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources. According to the Borough's 2007 Stormwater Management Plan, the Shrewsbury River floods on a regular basis during new and full moons as well as during storm events, discharging pollutants into the river.

Sea Bright's seawall and ocean-side beach and dune system, the Borough's main form of flood protection, have been deemed inadequate for future protection due to the rising levels of the Shrewsbury River.

Historic

With regard to historic and cultural resources, there are no existent sites that have been reviewed or are listed on the state or federal registers of historic places. While the Historic Preservation Office of the New Jersey Department of Environmental Protection has reviewed the historic and cultural significance of the Sea Bright Gas and Oil Company site, which was located at 1006 Ocean Avenue, said site was not listed on the state or federal registers of historic places.

Existing Land Use Designations

The Township's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Master Plan was adopted in June 2017, with amendments to the Land Use Plan Element made through 2012.

Residential Zones:

- ***R-1 Residence Zone:*** The R1 Zone allows for single family dwelling units, churches, and public parks on lots with areas of at least 7,500 square feet. Permitted primary uses include single family dwelling units and public parks.
- ***R-2 Residence Zone:*** The R-2 Zone allows for permitted primary uses identical to those found in the R-1 Zone. Development in the R-2 Zone must take place on

lots at least 4,000 square feet in area.

- **R-3 Downtown Residence Zone:** The R-3 Zone allows for permitted primary uses identical to those found in the R-1 and R-2 Zones. Development in the R-3 Zone must take place on lots at least 1,800 square feet in area.
- **R-4 MFH:** The R-4 Multifamily Housing Zone District is intended to allow for multifamily dwelling units within Block 34, Lot 4. Public uses, including public parks and recreation facilities, are also permitted. Borough Ordinance § 130-41B states that no one building on the site shall contain more than 12 residential units. This lot, located in the northern portion of the Borough, just south of the Highlands-Sea Bright Bridge exit ramp, is currently home to North Pointe at Sea Bright condo complex.
- **R-5 MFH:** The R-5 Multifamily Housing Zone District allows for multifamily development, marina, and single family development.
- **SRD:** The Sea Bright River Properties Redevelopment Area is located in the southwest portion of the Borough, generally between the Shrewsbury River and the Downtown area. Permitted uses within the redevelopment area include single-family detached dwellings, single-family attached dwellings, multi-unit condominium buildings, and public walkways, open space, and related facilities.

Business Zone Districts:

- **B-1 Central Business District:** The B-1 Zone is intended to allow for local shopping and to include a wide range of retail business and service establishments which cater to the frequently recurring needs of the residents. The primary purpose of all permitted uses in this zone should be to encourage a pedestrian-friendly, mixed-use-Main-Street character for this zone. Retail and personal service with inviting storefronts would be most encouraged, with an open feel and small scale at street level. The purpose of future development and rehabilitation in this zone should be to retain the historic charm and character of Sea Bright's downtown. The following primary uses, as further defined in § 130-38C(4), are permitted: Residential uses in multistory buildings, located above permitted uses as listed below. In no case shall Class I residential uses be permitted in this zone (single-family or multifamily dwellings located on first floor of building); Class II, retail business uses; Class III, finance, insurance and real estate (business); Class IV, personal service establishments (business); Class V, business service establishments; Class VI, repair services (business); Class VII, professional services (business); Class VIII, transportation facilities (business); Class IX, utilities (business); and Class X, government services (public). Permitted conditional uses in the zone include gasoline service stations, automobile car washes, multifamily B, Class XII-hotels, and reupholstering and furniture repairs.
- **B-2 Riverfront Business District:** The B-2 Zone is intended to allow for the development of properties for uses oriented to river activities, especially those uses which cater to the needs and convenience of boating or to the enjoyment of

the river views and vistas by others. This may include certain forms of residential uses where conflict with business uses can be avoided or appropriately minimized, together with marinas and restaurants. Permitted principal uses include marina or boat storage yards, restaurants, banking/loan offices, advertising agencies, business management consulting services, travel agencies, Multifamily A, insurance agents, real estate agents, stockbrokers, and all other uses permitted as primary uses in residence zones. Permitted conditional uses include utility substations or business offices and Multifamily B.

- **B-3 Oceanfront Business District:** The B-3 Zone is intended to allow for the use and development of properties for uses oriented to ocean beach activities, especially swimming and sunning. However, the Council recognizes the threat to security of this zone and the frequency of flooding and damages to this area as a result of sea water. Therefore, with due regard to the safety of persons and structures thereon, no building whatsoever shall be erected between the sea wall and the Atlantic Ocean in the B-3 Zone for any purpose. Permitted primary uses include Class XI-public parks, Lands and facilities providing for the outdoor recreation needs of the general public and for conservation of open space which is owned, operated and maintained by a municipal, county, state or federal agency and; Class XI-swimming clubs, swimming facilities open to the general public or membership which may also include such accessory uses as dressing rooms, recreation facilities, snack bars, up-street parking and the like. Permitted conditional uses in this district include commercial trailers, subject to the rules defined in § 130-38C(6)(b)[1].

Coastal Protection District:

- **CP Coastal Protection District:** The CP Zone is a special zone covering a very narrow strip of land between Ocean Avenue and the Atlantic Ocean, shown on the Zoning Map. The purpose of this zone is to recognize the threat to security and frequency of flooding and damage to this area as a result of sea water, It is designated to provide the highest and best use of said land with due regard for safety of persons and structures thereon.

Mixed Use Business/Residential Zones:

- **B-R Business Residential Zones:** The B-R Zone allows for all permitted primary uses found in the B-1 zone, in addition to Class I-residence uses, Type No. 1 single family dwelling units and Multifamily A detached buildings containing no more than two residential dwelling units.

CONSISTANCY WITH STATE PLAN

The Borough of Sea Bright remains consistent with New Jersey State Development and Redevelopment Plan. The Borough is entirely located on a barrier spit that separates northern Monmouth County from the Atlantic Ocean. Given the municipality's precarious geography, the entirety of Sea Bright is classified in the PA-5 Environmentally Sensitive

Planning Area. This Planning Area is intended to: protect environmental resources; protect both large and small contiguous areas of land; promote restoring habitats and bio-diversity; accommodate growth only in Centers; confine programmed sewers and public water services to Centers; revitalize cities, towns, and older traditional settlements; and protect, enhance, and diversify the existing character of stable communities.

Sea Bright 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. Sea Bright was one of the communities at the forefront of Hurricane Sandy's path. The effects of the superstorm left the Borough reeling for weeks and months after landfall, and it solidified the Borough's commitment to stormwater resiliency going forward.

The Borough of Sea Bright is not one of the State's 36 designated Transit Villages; nor does the Borough have any NJ Transit heavy rail connections. The nearest Transit Village to Sea Bright is Long Branch, located approximately five (5) miles from the Sea Bright Municipal Complex. NJ Transit operates the 838 bus route for approximately 0.28 miles along Ocean Avenue. The 838's route starts at the Sea Bright Municipal Complex and terminates at Freehold Raceway Mall, in Freehold Township.

FAIR SHARE PLAN

Fair Share Obligation Summary

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated by the NJ Department of Community Affairs Affordable Housing obligations for the 2025-2035 (Fourth Round) Methodology. The Borough's affordable housing obligation is outlined in Table 26 below.

TABLE 26: FAIR SHARE OBLIGATION SUMMARY

Obligation Component	Number of Credits Required
Present Need	0
Prior Round Obligation (1987-1999)	37
Third Round "Gap" and Prospective Need (1999-2025)	151
Fourth Round Prospective Need (2025-2035)	46

The following sections outline the Township's plan for complying with its Fair Share Obligation.

Lack of Developable Vacant Land

Sea Bright has 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, Borough's ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its lack of vacant developable land, the Borough has prepared a 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 exhibits a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. The prepared VLA illustrates a lack of vacant land and a Realistic Development Potential (RDP) of eleven (11) affordable units.

Satisfaction of the Borough's Rehabilitation/Present Need Obligation

The Borough of Sea Bright has a rehabilitation obligation of zero (0) units.

Satisfaction of the Borough's Realistic Development Potential

The Borough's RDP is eleven (11). The Borough proposes to address this RDP through the creation of affordable rental units as part of the Riverfront Redevelopment project and existing affordable units located within the North Pointe Condominium Association.

Riverfront Redevelopment Project

The Havens at Sea Bright Redevelopment Project was approved by the Sea Bright Land Use Board in early 2023. This project is located within the Riverfront Redevelopment Area and will consist of four (4) single family homes, 15 condominiums, and 25 townhouses, including seven (7) affordable rental units. The Borough is seeking credit for the seven approved affordable family rental units in this project, as well as 3 bonus credits, taking advantage of the 0.5 to 1 unit credit for projects located within Redevelopment Areas, for a total of 10 credits.

North Pointe Condominium

The Borough of Sea Bright is seeking credit for four (4) existing affordable condo units located within the North Pointe Community. These units are located at Block 34, Lot 4 and consist of Units 1, 2, 13, and 14.

TABLE 27: PROPOSED FOURTH ROUND COMPLIANCE SUMMARY

Affordable Housing Mechanism	Affordable Units	Bonus Credits	Total Credits
Riverfront Redevelopment	7	3	10
North Pointe Condos	4		4
Total	11	3	14

Satisfaction of the Borough's Unmet Need

The Borough's unmet need is 35 units based on the remaining Fourth Round Obligation. The Borough proposes to implement the following mechanisms to address its unmet need:

Mandatory Set-Aside Ordinance ("MSO")

The Borough will adopt a Borough-wide Mandatory Set-Aside Ordinance ("MSO"). The MSO will require a 20 percent (20%) affordable housing set-aside for for-sale residential developments and 15 percent (15%) for rental developments, comprised of five or more dwelling units. The MSO requires that to the extent possible, in all inclusionary developments, low and moderate income units shall be integrated with market units.

The MSO will ensure that 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 Lake Como or its boards to grant such rezoning, variance, redevelopment designation or other relief. The proposed ordinance is included herein as Appendix C.

RO Residential Overlay Zone

The Borough of Sea Bright will adopt a RO Residential Overlay Zone for the Block 19, Lots 2, 2.01, and 3, located on East Avenue between East Surf Street and East Center Street to allow for residential use in multistory buildings, located above retail and business uses. A mandatory 20% set aside for affordable units, with a minimum of one (1) affordable unit created will be required for all residential construction within this zone.

Affordable Housing/Development Fee Ordinance

The Borough adopted a development fee ordinance, last updated in 2019, for all new non-residential development and new non-inclusionary residential development. The ordinance requires residential development fees to be collected for all residential expansions that increase density pursuant to N.J.S.A. 40:55D-70d(5). The ordinance can be found in Appendix E.

Appendices

Appendix A. Vacant Land Adjustment

Vacant Land Inventory and Analysis Report

Prepared for:
Borough of Sea Bright
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 Sea Bright by Leon S. Avakian Inc (Avakian).

Previous Housing Rounds and Vacant Land Analyses

The Borough of Sea Bright is a fully developed shore community located in northern Monmouth County. Sea Bright has not participated in prior housing rounds.

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 eleven (11) 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 Sea Bright's RDP has been determined to be eleven (11) affordable units. This finding is consistent with the Borough's current development conditions.

ATTACHMENT A: VACANT LAND INVENTORY **TABLE**

Borough of Sea Bright
Vacant Land Analysis
June 2025

Block	Lot	Class	Location	Owner's Name	Area (acres)	Constrained Acreage	Unconstrained Acreage	Developable Acreage	Reason for exclusion	Total Units	Affordable Units
1	4.01	1	1530 OCEAN AVENUE	RELIGIOUS PROPERTY TRUST	0.53	0.0	0.53	0.53	developed with structure for religious use	0	0
1	8	1	17 ISLANDVIEW WAY	17 ISLAND VIEW WAY, LLC	0.43	0.0	0.43	0.00	net developable area under 0.8 acres	0	0
3	6	1	11 IMBRIE PLACE	RPR HOLDINGS, LLC	0.41	0.0	0.41	0.00	net developable area under 0.8 acres	0	0
4	3	1	1495 OCEAN AVENUE	JESUITS OF ST PETER'S COLLEGE INC	0.60	0.0	0.60	0.60	under 0.8 acres, consists of beach east of Ocean Ave.	0	0
4	7	1	BEACH - EAST OF SEA WALL	TRADEWINDS HOMEOWNERS ASSOCIATION I	2.11	0.0	2.11	0.00	common property associated with HOA	0	0
4	0	1	TRADEWINDS LANE	TRADEWINDS HOMEOWNERS ASSOCIATION I	1.12	0.0	1.11	0.00	common property associated with HOA	0	0
7	5	1	1201 OCEAN AVENUE	RUNAWAY BEACH CONDO ASSOCIATION	1.434361	0.0	1.43	0.00	common property associated with COA	0	0
7.01	17	1	1201 OCEAN AVENUE UNIT 86	LANG, RICHARD	0.016677	0.0	0.02	0.00	this is condo unit in a building	0	0
8	1	4A	1162 OCEAN AVENUE	APP PROPERTIES HOLDING, LLC	0.1899	0.0	0.49	0.49	underutilized- in common ownership with Block 10, Lots 1, 2, & 3; a	6	1
10	1	4A	1160 OCEAN AVENUE	APP PROPERTIES HOLDING, LLC	0.241				included		
10	2	1	1 CENTER STREET	APP PROPERTIES HOLDING, LLC	0.0413				included		
10	3	1	3 CENTER STREET	APP PROPERTIES HOLDING, LLC	0.0413				included		
11	4	1	7 BEACH STREET	MCCANN, KENDRA J	0.0578	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
11	14	1	22 SURF STREET	MIDDLETON, GARETH & DAWN	0.039	0.0	0.00	0.00	net developable area under 0.8 acres	0	0
12	4	15C	4 NEW STREET	BORO OF SEA BRIGHT	0.0545	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
13	12	1	29 NEW STREET	HOWLAND, JESSE A & SONS INC.	0.022	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
13	17	15C	8 FRONT STREET	BORO OF SEA BRIGHT	0.0821	0.0	0.08	0.00	included as part of Sea Bright River Redevelopment	44	7
13	20	1	42 CHURCH STREET	CJM ASSOCIATES OF SEA BRIGHT, LLC	0.045	0.0	0.05	0.00	included as part of Sea Bright River Redevelopment		
13	21	1	40 CHURCH STREET	JESSE A. HOWLAND & SONS INC.	0.0445	0.0	0.04	0.00	included as part of Sea Bright River Redevelopment		
13	22	1	38 CHURCH STREET	CJ & M ASSOC OF SEA BRIGHT, LLC	0.044	0.0	0.04	0.00	included as part of Sea Bright River Redevelopment		
13	31	1	14 CHURCH STREET	GORMAN, EDWARD	0.0344	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
14	2	1	1 CHURCH STREET UNIT A	CHURCH STREET CONDO ASSOCIATION	0.037415	0.0	0.04	0.00	common area associated with COA	0	0
14	12	1	21 CHURCH STREET	CJ & M ASSOC OF SEA BRIGHT, LLC	0.106	0.0	0.11	0.00	included as part of Sea Bright River Redevelopment		
14	14	4A	16 SOUTH STREET	HOWLAND, JESSE A. & SONS, INC.	0.55	0.0	0.55	0.55	included as part of Sea Bright River Redevelopment		
15	2	1	1084 OCEAN AVENUE	BEACHFRONT JOE, LLC	0.0258	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
15	4	1	4 RIVER STREET	RIVER STREET REALTY, LLC	0.37	0.0	0.37	0.00	net developable area under 0.8 acres	0	0
15	5	1	6 RIVER STREET	C. J. & M. ASSOC OF SEA BRIGHT, LLC	0.1291	0.0	0.13	0.00	included as part of Sea Bright River Redevelopment		
15	9	15C	POPPINGER PLACE	BORO OF SEA BRIGHT	0.043	0.0	0.04	0.00	included as part of Sea Bright River Redevelopment		
16	7	1	1056 OCEAN AVENUE	ADAMS, JAMES R. & JO-ANN	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
16	12	1	7 BADMINTON COURT	SULLIVAN, RICHARD G.	0.050633	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
16	13	1	4 PACKER PLACE	1060 OCEAN AVENUE LLC	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
16	18.01	1	14 BADMINTON COURT	SULLIVAN, RICHARD G.	0.0344	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
16	23	15C	19 RIVER STREET	BORO OF SEA BRIGHT	0.2166	0.0	0.22	0.00	net developable area under 0.8 acres	0	0
17	1	1	1042 OCEAN AVENUE	KALAKA, JOANN	0.1499	0	0.15	0.00	included	0	0
17	2	1	1 PENINSULA AVENUE	KALAKA REALTY	0.3409	0	0.34	0.50	same owner - B17 lots 1 & 2	7	1
17	6	1	2 RUMSON ROAD	NAUTILUS HOMEOWNERS ASSOCIATION	0.380566	0.0	0.38	0.00	common property associate with HOA	0	0
18	2	15C	1006 OCEAN AVENUE	MONMOUTH COUNTY	0.6061	0.0	0.61	0.00	County property for open space/ Rumson Rd Bridge	0	0
19	1	15C	1167 OCEAN AVENUE	BORO OF SEA BRIGHT	0.1704	0.0	0.17	0.00	old Boro offices - net developable area under 0.8 acres	0	0
19	2	1	1139 OCEAN AVENUE	JNM HOLDINGS, INC.	0.5739	0.0	0.61	0.61	common ownership with Block 19, Lot 2.01	6	1
19	2.01	1	1135 EAST OCEAN AVENUE	JNM HOLDINGS, INC.	0.0316	0.0			common ownership with Bblock 19, Lot 2	0	0
19	3	1	10 EAST OCEAN AVENUE	KELLY MANAGEMENT GROUP LLC	0.1435	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
20	6	15C	16 EAST NEW STREET	BORO OF SEA BRIGHT	0.043	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
20	7	15C	WAYNE STREET	BORO OF SEA BRIGHT	0.0861	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
21	3	15C	19 EAST NEW STREET	BORO OF SEA BRIGHT	0.043	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
21	13	15C	EAST OCEAN AVENUE	BORO OF SEA BRIGHT	0.4028	0.0	0.40	0.00	net developable area under 0.8 acres	0	0
23	1	15C	1099 OCEAN AVENUE	WOODY'S OCEAN PROPERTIES LLC	17.3	17.3	0.00	0.00	sea bright admin. Building + beach; Environmentally constrained with wetland and in SFHA	0	0
23	2	15C	1061 OCEAN AVENUE	BORO OF SEA BRIGHT	5.4	5.2	0.20	0.00	municipal parking lot - wetlands & in SFHA	0	0
23	11	15C	909 OCEAN AVENUE	STATE OF NJ-DEP	4.3	4.3	0.00	0.00	state-owned utility building	0	0
23	15	1	EAST OCEAN AVENUE	KEELER, WILLIAM & MAUREEN	0.0895	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
23	18	1	EAST OCEAN AVENUE	SHREWSBURY RIVER REALTY ASSOC. LLC	0.1928	0.0	0.19	0.00	net developable area under 0.8 acres	0	0
23	19	1	EAST OCEAN AVENUE	NAVESINK RIVER REALTY, LLC	0.1124	0.0	0.12	0.00	net developable area under 0.8 acres	0	0
23	20	1	EAST OCEAN AVENUE	DOHERTY,TERENCE PATRICK&MARNIE ELIS	0.1309	0.0	0.13	0.00	net developable area under 0.8 acres	0	0
23	21.01	1	EAST OCEAN AVENUE	PAPPAS, NICHOLAS J & ELAINE	0.098557	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
23	21.02	1	EAST OCEAN AVENUE	PAPPAS, NICHOLAS J	0.095453	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
23	22.01	1	EAST OCEAN AVENUE	CORRADO, PETER J. & ROSE M.	0.094124	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
23	22.02	1	EAST OCEAN AVENUE	SCHUSSHEIM, CAROL M.	0.098138	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
23	23	1	EAST OCEAN AVENUE	VACCARO, ANTHONY ANNE K. TRUSTEES	0.1377	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	24	1	EAST OCEAN AVENUE	ANNATINA INC.	0.0992	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
23	25	1	EAST OCEAN AVENUE	TAYLOR, JOSEPH M. & PATRICIA K.	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	29	1	EAST OCEAN AVENUE	VAN HOLT, RE & JO	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	30	1	EAST OCEAN AVENUE	WENDELKEN, CARL V	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	31	1	EAST OCEAN AVENUE	672 OCEAN AVENUE, LLC	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	32	1	EAST OCEAN AVENUE	CHEVALIER, MARY ANN, TRUSTEE	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	33	1	EAST OCEAN AVENUE	JANICEK, PATRICIA	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	33.01	1	EAST OCEAN AVENUE	BULLWINKEL, JOSEPH & HYNES, ANN C	0.1033	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
23	34	1	EAST OCEAN AVENUE	KRAEDEL, E & W, CERRA, K & C.	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	35	1	EAST OCEAN AVENUE	LAMBIASE, ALFONSO J.	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	36	15C	639A EAST OCEAN AVENUE	BORO OF SEA BRIGHT	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	37	1	639 EAST OCEAN AVENUE	RUBINSTEIN, FREDERICK H. & KATHERINE	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	38	1	EAST OCEAN AVENUE	638 OCEAN AVENUE, LLC	0.0918	0.0	0.09	0.00	net developable area under 0.8 acres	0	0

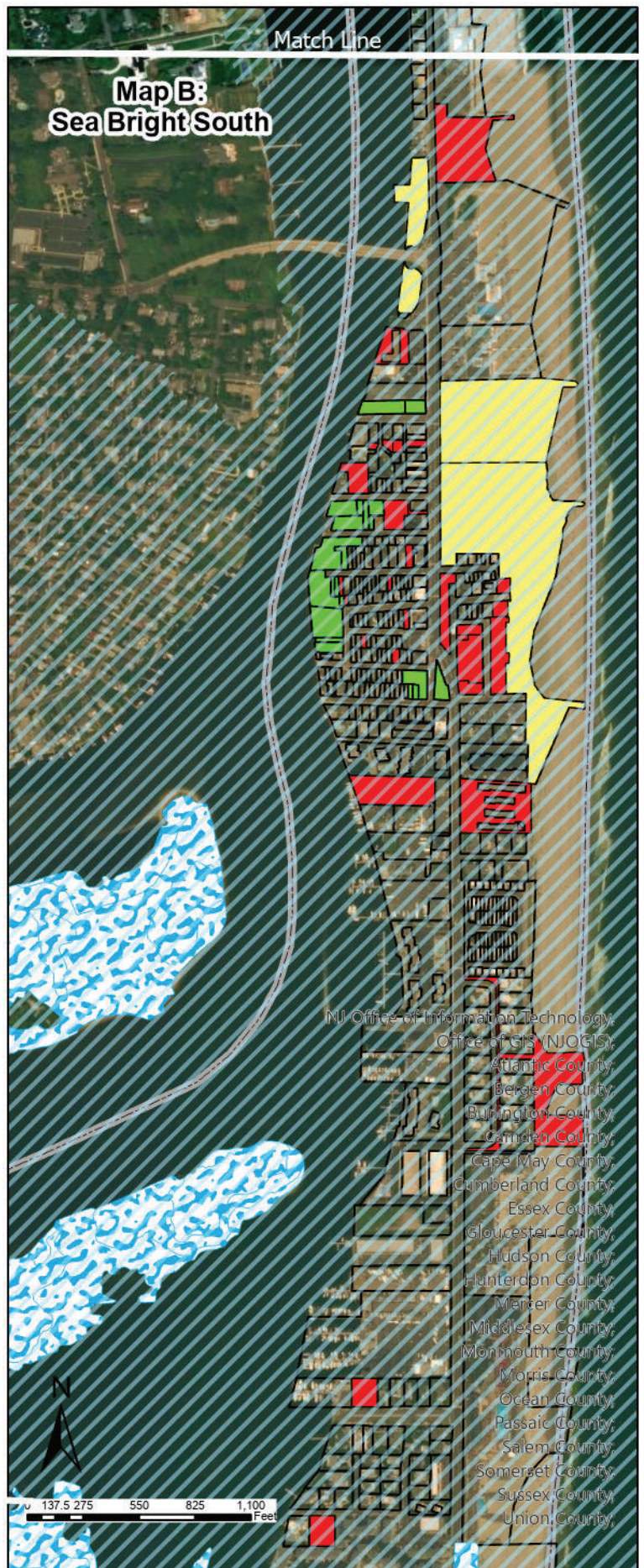
Borough of Sea Bright
Vacant Land Analysis
June 2025

Block	Lot	Class	Location	Owner's Name	Area (acres)	Constrained Acreage	Unconstrained Acreage	Developable Acreage	Reason for exclusion	Total Units	Affordable Units
23	39	1	EAST OCEAN AVENUE	BROWN, ALLTON E. & ELSIE & THOMAS	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	40	1	EAST OCEAN AVENUE	FERNANDES, ADELINA	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	42	1	EAST OCEAN AVENUE	PERRINE, PETER H.	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	43	1	EAST OCEAN AVENUE	SMITH, MICHAEL & KATHERINE	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	44	1	EAST OCEAN AVENUE	NITTOLO, JOHN & KATHLEEN	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	45	1	EAST OCEAN AVENUE	NITTOLO, JOHN & KATHLEEN	0.0092	0.0	0.01	0.00	net developable area under 0.8 acres	0	0
23	47	1	EAST OCEAN AVENUE	DEAN, HAL & MARCY	0.0551	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	48	1	EAST OCEAN AVENUE	CLABBERS, JOSEPH E. & DAWN S.	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	49	1	EAST OCEAN AVENUE	BROCCAGLIA, JOYCE	0.0551	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	51	1	EAST OCEAN AVENUE	BOEDDINGHAUS IRREVOCABLE FAM. TRUST	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	52	1	EAST OCEAN AVENUE	MOLYNEUX, GARY & NORINE P.	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	53	1	EAST OCEAN AVENUE	STAP, MICHAEL J. & TITUS CATHLEEN	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	54	1	EAST OCEAN AVENUE	BENNETT, WILLIAM ROBERT II	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	55	1	EAST OCEAN AVENUE	KELLY, SCOTT & AMY	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	56	1	EAST OCEAN AVENUE	A TO Z MATS, INC	0.0413	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	57	1	EAST OCEAN AVENUE	DA SILVA, ANNETTE & LAGO, EMI	0.0367	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	58	1	EAST OCEAN AVENUE	576 OCEAN AVE LLC	0.0367	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	59	1	EAST OCEAN AVENUE	MORPH SOLUTIONS LLC	0.0367	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	60	1	EAST OCEAN AVENUE	CHAMBERS, MICHAEL & MARYANN	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	61	1	EAST OCEAN AVENUE	PORTO, ALAN & JANET	0.0643	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	62	1	EAST OCEAN AVENUE	STOEVER, ROLAND	0.064	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	63	1	EAST OCEAN AVENUE	WILLOW AVENUE LLC	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	64	1	EAST OCEAN AVENUE	HALL, SCOTT & BUSSON, INGRID	0.0321	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	65	1	EAST OCEAN AVENUE	552 OCEAN AVENUE, LLC	0.0321	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	66	1	EAST OCEAN AVENUE	MEYERS, DAVID & WALKER, CHRISTINA	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	67	1	EAST OCEAN AVENUE	VIGGIANO, THOMAS HARKINS, LAURA	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	68	1	EAST OCEAN AVENUE	GRAFSTEIN, ALLEN & MINDY	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	69	1	EAST OCEAN AVENUE	GRAFSTEIN, ALLEN & MINDY	0.0459	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	70	1	EAST OCEAN AVENUE	LEPIS, JOSEPH JR & SARAH	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	71	1	EAST OCEAN AVENUE	MYERS, SAMUEL	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	72	1	EAST OCEAN AVENUE	BROOKS, CAHERINE P.	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	74	1	EAST OCEAN AVENUE	DASONDI SEABRIGHT LLC	0.0465	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	75	1	EAST OCEAN AVENUE	ERBECK, JOHN & ROREY ANNE	0.0861	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
23	77	1	EAST OCEAN AVENUE	LANZA, THOMAS J. & DEBORAH K.	0.0631	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	78	1	EAST OCEAN AVENUE	KHACHATURIAN, KATHLEEN CAROL	0.0631	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	81	1	EAST OCEAN AVENUE	DOUNELIS, KELLY J. & ATHAS	0.0467	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	82.02	1	EAST OCEAN AVENUE	DESCENZA, JOHN	0.3857	0.0	0.39	0.00	net developable area under 0.8 acres	0	0
23	83	1	EAST OCEAN AVENUE	MC BRIDE, MEGAN	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	84	1	EAST OCEAN AVENUE	NABI REVOCABLE TRUST	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	85	1	EAST OCEAN AVENUE	23 NORMANDIE PLACE LLC	0.023	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	87	1	EAST OCEAN AVENUE	COHEN, LAUREN & ROSS	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	88	1	EAST OCEAN AVENUE	RIVER 2 OCEAN LLC	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	92	1	EAST OCEAN AVENUE	VEROST, PATRICIA & ROBERT	0.1515	0.0	0.15	0.00	net developable area under 0.8 acres	0	0
23	93	1	EAST OCEAN AVENUE	RICHARDSON, RICHARD W	0.0918	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
23	94	1	EAST OCEAN AVENUE	HARQUAIL, GREGORY & KAREN	0.0918	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
23	96	1	EAST OCEAN AVENUE	PIGNATARO, DONALD&PATRICIA MULVANEY	0.0352	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	97	1	EAST OCEAN AVENUE	FORTUNETTE HPOLDINS, LLC	0.1894	0.0	0.19	0.00	net developable area under 0.8 acres	0	0
23	100	1	EAST OCEAN AVENUE	404 OCEAN AVENUE, LLC	0.157	0.0	0.16	0.00	net developable area under 0.8 acres	0	0
23	101	1	EAST OCEAN AVENUE	D'ANNA, JOHN & ROBIN	0.1433	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	102	1	EAST OCEAN AVENUE	BAHRS, WILLIAM K. III	0.0422	0.0	0.04	0.00	net developable area under 0.8 acres	0	0
23	105	1	EAST OCEAN AVENUE	KALAKA, JOANN	0.2066	0.0	0.21	0.00	net developable area under 0.8 acres	0	0
23	107	1	EAST OCEAN AVENUE	ROSS, JEFFREY A	0.14	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	108	1	EAST OCEAN AVENUE	MUKHERJI, RAJ	0.14	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	109	1	EAST OCEAN AVENUE	WISE, EDWARD V & KAYE FISKE	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	110	1	EAST OCEAN AVENUE	GRECO, GREGORY A.	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	111	1	EAST OCEAN AVENUE	HIGGINS, PAUL T. SR.	0.0826	0.0	0.08	0.00	net developable area under 0.8 acres	0	0
23	112	1	EAST OCEAN AVENUE	PRESTININZI, GREGORY & MICHELE	0.2617	0.0	0.26	0.00	net developable area under 0.8 acres	0	0
23	114	1	EAST OCEAN AVENUE	ARC OCEAN AVENUE, LLC	0.1377	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	115	1	EAST OCEAN AVENUE	KAYE, ROBERT M	0.2066	0.0	0.21	0.00	net developable area under 0.8 acres	0	0
23	116	1	253 EAST OCEAN AVENUE	LUNDON, THOMAS & WILLIAMSON, PAT	0.1377	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	117	1	EAST OCEAN AVENUE	DOB, DRITAN	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	118	15C	EAST OCEAN AVENUE	BORO OF SEA BRIGHT	0.0689	0.0	0.07	0.00	net developable area under 0.8 acres	0	0
23	119	1	EAST OCEAN AVENUE	KARLSON, JENNIFER A & KRISTIAN G	0.1377	0.0	0.14	0.00	net developable area under 0.8 acres	0	0
23	120	15C	229A E OCEAN AVENUE	BORO OF SEA BRIGHT	0.019407	0.0	0.02	0.00	net developable area under 0.8 acres	0	0
23	121	1	229 E OCEAN AVE	STEINFELD, DAVID & LORI	0.048292	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	122	1	EAST OCEAN AVENUE	LAURITANO, RICHARD	0.0344	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	123	1	EAST OCEAN AVENUE	MARTONFALVY, ROBERT	0.051	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	124	1	EAST OCEAN AVENUE	SUSAN E MORAN TRUST	0.11	0.0	0.11	0.00	net developable area under 0.8 acres	0	0
23	125	1	EAST OCEAN AVENUE	LEVY, JAIME	0.051	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
23	126	1	EAST OCEAN AVENUE	MULHOLLAND, JOHN & SCOTT	0.0275	0.0	0.03	0.00	net developable area under 0.8 acres	0	0
23	127	1	EAST OCEAN AVENUE	210 SB, LLC	0.0758	0.0	0.08	0.00	net developable area under 0.8 acres	0	0

Borough of Sea Bright
Vacant Land Analysis
June 2025

Block	Lot	Class	Location	Owner's Name	Area (acres)	Constrained Acreage	Unconstrained Acreage	Developable Acreage	Reason for exclusion	Total Units	Affordable Units
23	128	1	EAST OCEAN AVENUE	ROONEY, CHARLES III	0.2066	0.0	0.21	0.00	net developable area under 0.8 acres	0	0
23	130	1	EAST OCEAN AVENUE	BORO OF SEA BRIGHT	0.0551	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	132	1	EAST OCEAN AVENUE	FIALKO, RUTH	0.0826	0.0	0.08	0.00	net developable area under 0.8 acres	0	0
23	133	1	EAST OCEAN AVENUE	KILYK, BOHDAN M	0.0551	0.0	0.06	0.00	net developable area under 0.8 acres	0	0
23	136	15C	125 OCEAN AVENUE	STATE OF NJ-DOT	0.2755	0.0	0.28	0.00	net developable area under 0.8 acres	0	0
23	137	15C	EAST OCEAN AVENUE	U.S. FEDERAL GOVERNMENT	0.160697	0.0	0.16	0.00	walkways to Sandy Hook	0	0
24	1.01	15C	960 OCEAN AVENUE	STATE OF NJ-DEP	1.17	1.17	0.00	0.00	Locally preserved - ROSI	0	0
26	8	1	12 SHREWSBURY WAY	MEEKA 12, LLC	0.0527	0.0	0.05	0.00	net developable area under 0.8 acres	0	0
28	10	1	548 OCEAN AVENUE	MEYERS, DAVID & WALKER, CHRISTINA	0.26	0.0	0.26	0.00	net developable area under 0.8 acres	0	0
30	40	1	328 OCEAN AVENUE	ROSS, JEFFREY A	0.61	0.6	0.00	0.00	net developable area under 0.8 acres	0	0
30	56	1	240 OCEAN AVENUE	SHOR, IRENE & ALEXSANDR	0.22	0.0	0.22	0.00	net developable area under 0.8 acres	0	0
30	59	1	6 SOUTH WAY	JUNGER, AMY & LANDINO, JOHN and ENSTROM, LARS	0.36	0.0	0.36	0.00	net developable area under 0.8 acres	0	0
33	13	1	54 NORTH WAY	CLAUER, MARLENE & SIGGINS, SHARON C	0.0955	0.0	0.10	0.00	net developable area under 0.8 acres	0	0
33	14	1	55 NORTH WAY	GREINER, BRETT	0.0919	0.0	0.09	0.00	net developable area under 0.8 acres	0	0
33	19	1	174 OCEAN AVENUE	LAND'S END CONDO ASSOCIATION	2.879938	0.0	2.88	0.00	net developable area under 0.8 acres	0	0
34	1	1	158 OCEAN AVENUE	FIALKO, RUTH	0.1286	0.0	0.13	0.00	net developable area under 0.8 acres	0	0
34	2	1	154 OCEAN AVENUE	KILYK, BOHDAN M	0.1286	0.0	0.13	0.00	net developable area under 0.8 acres	0	0
33	20	1	4 MOUNTAIN VIEW WAY	PHAN, MARTIN & HOANG, THERESA	0.39	0.0	0.39	0.00	net developable area under 0.8 acres	0	0
34	7	1	134 OCEAN AVENUE	HESS, LUCRETIA J	0.17	0.0	0.17	0.00	Environmentally sensitive	0	0
34	4	15F	150 Ocean Avenue	NORTH POINT CONDO ASSOCIATION	1.4	0.0	1.40	1.40	condo assoc common element	0	0
								RDP			11

ATTACHMENT B: VACANT LAND MAPPING



LEON S. AVAKIAN, Inc.
Consulting Engineers

Source: LSA, NJGIN, and
Monmouth County GIS.

Revised: December 9, 2022

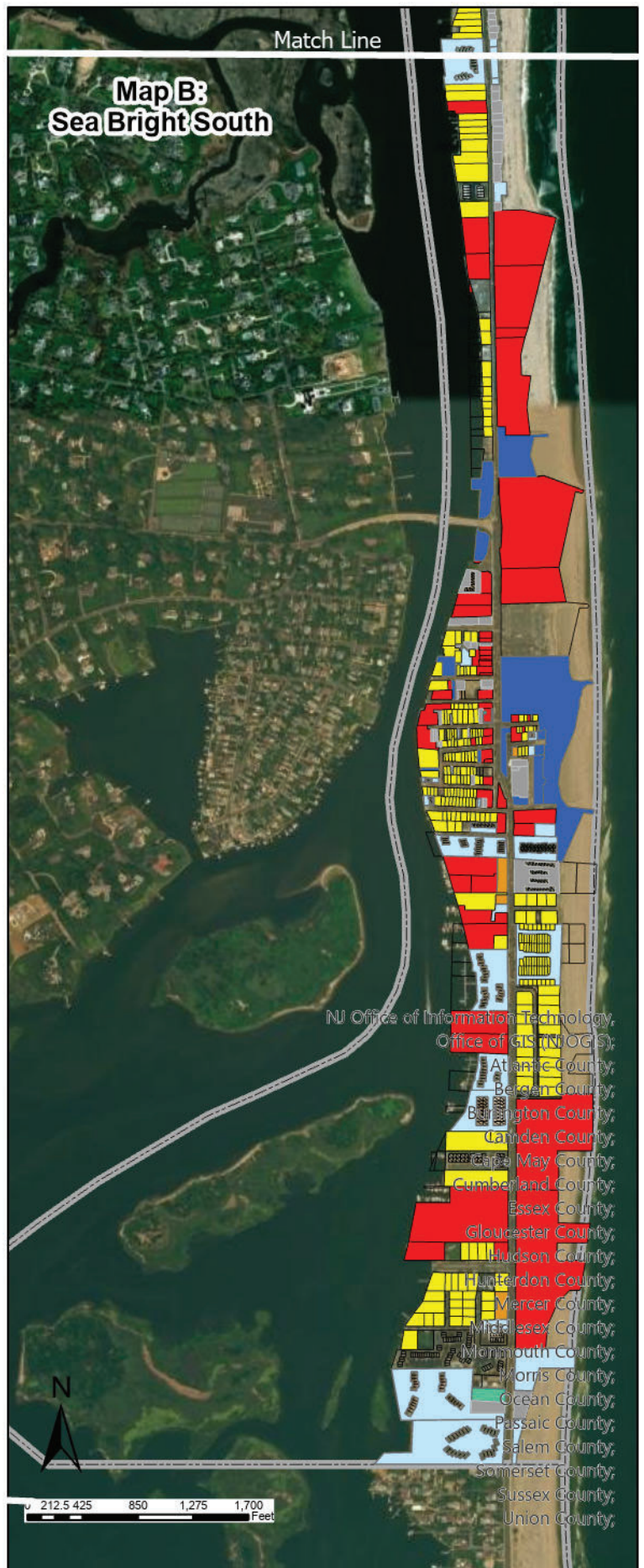
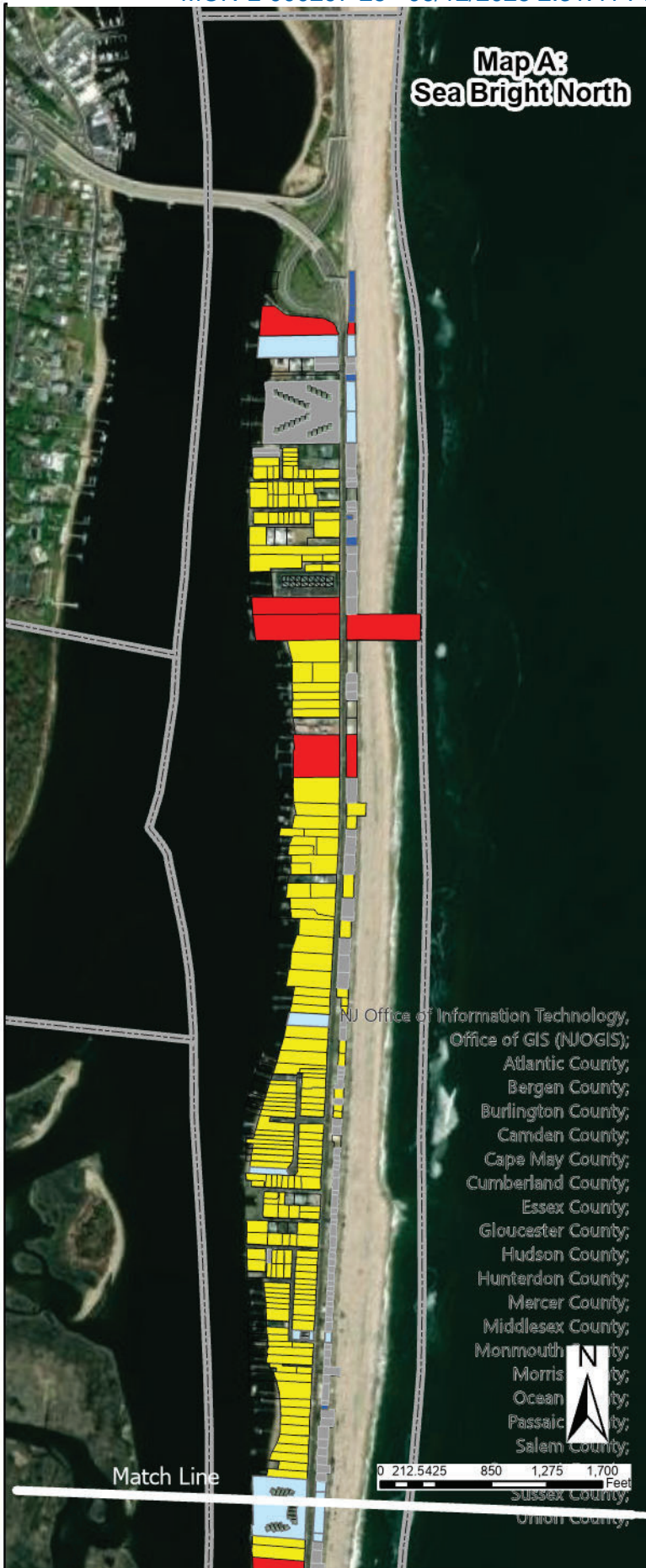
This map was developed using New Jersey Department of
Environmental Protection Geographic Information System digital
data, but this secondary product has not been verified by NJDEP
and is not state-authorized or endorsed.

Vacant Land and Constraints Borough of Sea Bright Monmouth County, New Jersey

Legend

- Parcels
- Parcels < 0.8 acres
- Developable Parcels
- Constrained Parcels
- Wetlands (2015)
- FEMA SFHA

ATTACHMENT C: EXISTING LAND USE MAP



LEON S. AVAKIAN, Inc.
Consulting Engineers

Source: LSA, NJGIN, and
Monmouth County GIS.

Revised: December 9, 2022

This map was developed using New Jersey Department of
Environmental Protection Geographic Information System digital
data, but this secondary product has not been verified by NJDEP
and is not state-authorized or endorsed.

Existing Land Use Borough of Sea Bright Monmouth County, New Jersey

Legend

- | | |
|--|---|
| Residential | Church & Charitable |
| Apartments | Other Exempt |
| Commercial | Vacant |
| Public Property | |

Appendix B. Spending Plan

**BOROUGH OF SEA BRIGHT
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN
JUNE 2025**

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 ordinances, codified as Chapter 130, Article XVIII of the Borough's General Legislation, most recently revised in 2019, 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 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 \$331,039.71 in the trust fund account. The current interest rate on the account is 5.11%. In 2024, Sea Bright expended \$5,659.86 from the account and generated \$145,511.02 in revenue through development fees and interest earned on the account. The development fees collected in 2024 totaled \$133,537.50. This figure provides a reasonable estimate for anticipated annual development fee revenue through 2035.

The Borough of Sea Bright projects a total of \$1,626,717.70 revenue and interest to be collected from 2025 to 2035. This projected amount, when added to the trust fund balance from December 31, 2024, results in an anticipated total revenue of \$1,957,757.41 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 existing Development Fee Ordinances are recorded in Chapter 130, Article XVIII -Affordable Housing-of Sea Bright's General Legislation. 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. Mandatory affordable housing set-aside;
2. Purpose of development fees;
3. Basic requirements;
4. Definitions;
5. Residential development fees;
6. Nonresidential development fees;
7. Collection procedures;
8. Appeal of development fees;
9. Affordable Housing Trust Fund;
10. Use of funds;
11. Monitoring; and
12. Ongoing collection of fees.

All development fees are deposited in a separate affordable housing trust fund held in an account at Valley National Bank. Per stipulations in the Affordable Housing Ordinance, the account and the record of distribution of funds is maintained by the Borough's Chief Financial Officer.

III. Anticipated Use of Trust Fund

The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the court to address the Borough's fair share obligation and may be set up as a grant of revolving loan program. Such activities shall include, but are not limited to:

1. Preservation or purchase of housing for the purpose of maintaining or implementing affordability controls;
2. Housing rehabilitation;
3. New construction of affordable housing units and related costs;
4. Accessory apartments; a market to affordable programs;
5. Market to affordable program;
6. Regional Housing Partnership programs;
7. Conversion of existing nonresidential buildings to create new affordable units;
8. Green building strategies designed to be cost saving and in accordance with accepted national or state standards;
9. Purchase of land for affordable housing;

10. Improvement of land to be used of affordable housing;
11. Extensions or improvements of roads and infrastructure to affordable housing sites;
12. Financial assistance designed to increase affordability;
13. Administration necessary for implementation of the Housing Plan and Fairshare Plan; and/or
14. Any other activity permitted by the court and specified in the approved spending plan.

IV. 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

As discussed in the Housing Element and Fair Share Plan, Sea Bright has a rehabilitation present need obligation of zero (0) units in the Fourth Round. However, Sea Bright plans to dedicate an average of \$40,000 per unit to rehabilitation projects. The Borough plans to participate in the County's Rehab Program. At the average cost of \$40,000 per unit, the Borough preliminarily expects to rehabilitate approximately 11 units through 2035, totaling \$800,000. An outline of these expenditures can be found in Table 3 attached to this Spending Plan.

(B) Affordability Assistance Requirement

The Borough anticipates dedicating \$672,738.00 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 12/31/2024	\$ 331,039.71
Projected development fees plus interest, 2025- 2035	\$ 1,626,717.70
PROJECTED TOTAL	\$ 1,957,757.41
Projected minimum affordability assistance requirement (30%)	\$587,372.22
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 195,775.74

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

Sea Bright 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, to the extent that funds are available after funding the programs outlined above, 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 12/31/24	\$ 331,039.71
Projected development fees plus interest, 2025-2035	\$ 1,626,717.70
PROJECTED TOTAL	\$ 1,957,757.41
Projected maximum administrative expenditures (20%)	\$391,551.48

V. Schedule for New or Rehabilitated Housing Units

The schedule for new or rehabilitated housing units is documented by year in the Projected Expenditures table attached to this Spending Plan.

VI. Expenditure Schedule

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

VII. 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.

VIII. 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.

IX. In Sum

Sea Bright 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 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.

Appendix C. Mandatory Set Aside Ordinance

Borough of Sea Bright
Ord. 01-2019

ORDINANCE No. 01-2019

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF SEA BRIGHT, CHAPTER 130, "LAND USE", AND TO ESTABLISH AFFORDABLE HOUSING REGULATIONS AND A MANDATORY AFFORDABLE HOUSING SET-ASIDE

WHEREAS, the New Jersey Supreme Court has determined that every municipality in the State of New Jersey has an obligation to provide the opportunity for the creation of affordable housing for low and moderate households; and

WHEREAS, the Borough of Sea Bright desires to comply with that obligation and will do so, in part, by requiring a mandatory affordable housing set-aside in connection with new multi-family residential development;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: The Code of the Borough of Sea Bright, Chapter 130, "Land Use", be as the same is hereby amended and supplemented to add thereto a new Article XVII, to read, in full, as follows:

"Article XVII. Affordable Housing Regulations.

§130-117. Mandatory Housing Set-Aside.

A. Purpose.

Unless otherwise required by existing zoning or an adopted redevelopment plan, all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new or revised development plan shall be required to provide an affordable housing set-aside as follows:

- (1) Required affordable housing units shall be equal to a minimum of 20% of the number of housing units proposed in the application for units offered for sale;
- (2) Required affordable housing units shall be equal to a minimum of 15% of the number of housing units proposed in the application for units offered for rent;

Borough of Sea Bright
Ord. 01-2019

(3) Affordable housing units may be provided on-side or off side within the
Borough.”

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

Appendix D. RO Residential Overlay Zone Ordinance

Borough of Sea Bright
Ord. 01-2019

ORDINANCE No. 14-2024

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 130, “LAND USE” OF THE CODE OF THE BOROUGH OF SEA BRIGHT, CREATING A RESIDENTIAL OVERLAY ZONE FOR BLOCK 19, LOTS 2, 2.01 AND 3

BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 130 “Land Use”, of the Code of the Borough of Sea Bright, Article VII, “Area, Bulk and Use Requirements”, Section 130-37 “Zones and Districts”, Subsection 130-37C, “Establishment of Districts”, be and the same is hereby amended and supplemented to read in full as follows:

130-37C. Establishment of districts: The zones on the Zoning Map are hereby categorized into the kinds of district as listed below according to the principal intent of each of the various zones as set forth subsequently in the section:

- (1) Residential districts
 - a. R-1 Residential Zones
 - b. R-2 Residential Zones
 - c. R-3 Residential Zones
 - d. R-4 Multi-family Housing
- (2) Business districts
 - a. B-1 Central Business District
 - b. B-2 Riverfront Business District
 - c. B-3 Oceanfront Business District
- (3) Coastal Protection District
 - a. CP Coastal Protection District
- (4) Mixed Use Business/Residential Zones
 - a. B-R Business Residential Zones
 - b. RO Residential Overlay Zone”**

SECTION TWO: Chapter 130 “Land Use” of the Code of the Borough of Sea Bright, Article VII, “Area, Bulk and Use Requirements”, be and the same is hereby amended and supplemented by the addition thereto of the following section:

“130-43. Lots included in the RO Residential Overlay Zones.

Borough of Sea Bright
Ord. 01-2019

The following lots, located on East Avenue between East Surf Street and East Center Street and the same are hereby included in the RO Residential Overlay Zone:

Lot 3, Block 19 (commonly known as the “Mad Hatter” property)

Lot 2, Block 19

Lot 2.01, Block 19 (vacant properties located between lot 3 and the Community Center)”

SECTION THREE: Chapter 130, “Land Use, of the Code of the Borough of Sea Bright, Article VII, “Area, Bulk and Use Requirements”, Section 130-38 “Uses permitted”, subsection 130-38C, “Use regulations”, be and the same is hereby amended and supplemented by the addition thereto of the following subsection 130-3C(8):

“(8) Use regulations in the RO Residential Overlay Zone:

(a) Permitted primary uses

[1] Class I, residential use:

[2] Residential use in multistory buildings, located above any of the permitted uses as listed below.

[3] Class II, retail business use

[a] Food, drug and liquor stores.

[b] Apparel, accessory and jewelry shops.

[c] Department stores and mail; order houses.

[d] Variety stores (five-and-ten-cent stores and catalog stores.

[e] Home furnishing stores.

[f] Restaurants.

[g] Book, stationary and gift shops.

[h] Sporting goods and bicycle shops.

[i] Antique stores (and secondhand shops).

[j] Household hardware stores.

[k] Automotive accessory stores.

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[l] Boating and fishing accessory stores.

[m] internet café.

[4] Class III, finance, insurance and real estate (business). Type of use:

[a] Banks and savings and loan offices.

[b] Insurance carriers and agents.

[c] Real estate agents.

[d] Stock brokers, agents and dealers.

[5] Class IV, personal service establishments (business). Type of use:

[a] Laundering and dry-cleaning shops.

[b] Photographic studios.

[c] Beauty and barber shops.

[d] Apparel alteration and repairs.

[e] Yoga and exercise spa and massage therapy and well-being establishments

[f] Dog grooming and pet grooming.

[6] Class V, business service establishments. Types of use:

[a] Advertising agencies.

[b] Consumer credit reporting and collection offices.

[c] Duplicating and mailing services.

[d] News media services (not transmitter towers).

[e] Employment services.

[f] Building maintenance services (janitorial, etc.).

[g] Business management consulting services.

[7] Class VI, repair services (business). Type of use:

[a] Household appliance repairs.

[b] Watch and clock repairs.

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[8] Class VII, professional services (business). Type of use:

[a] Physician' and dentist's offices (excluding doctors of veterinary medicine).

[b] Medical and dental laboratories.

[c] Architecture, legal and engineering offices.

[d] Accounting and bookkeeping services.

[9] Class VIII, transportation facilities (business). Type of use:

[a] Curbside passenger shelters.

[b] Commercial parking garages.

[10] Class IX, utilities (business). Type of use:

[a] Rights-of-way.

[b] Business and administrative offices.

[11] Class X, government services (public). Type of use:

[a] Public buildings (municipal, county or state).

[b] Public schools (all grade levels).

[c] Private schools (all grade levels).

(b) Conditional uses.

[1] Multifamily B.

[2] Class XII, hotels.

(c) Accessory uses.

[1] Internet services

SECTION FOUR. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

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SECTION SIX. This Ordinance shall take effect upon its passage and publication according to law.

I HEREBY CERTIFY this the be a true correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduces on August 28, 2024 and will be further considered after a Public Hearing held on October 15, 2024 in the Municipal Building at 1099 Ocean Avenue at 7:00 pm.

Appendix E. Affordable Housing/ Development Fee Ordinance

ARTICLE XVIII
Affordable Housing
[Added 2-5-2019 by Ord. No. 1-2019]

§ 130-110. Mandatory affordable housing set-aside.

- A. Purpose. Unless otherwise required by existing zoning or an adopted redevelopment plan, all new multifamily residential developments of five or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multifamily residential housing where not previously permitted, or a new or revised redevelopment plan shall be required to provide an affordable housing set-aside as follows:
- (1) Required affordable housing units shall be equal to a minimum of 20% of the number of housing units proposed in the application for units offered for sale;
 - (2) Required affordable housing units shall be equal to a minimum of 15% of the number of housing units proposed in the application for units offered for rent.
- B. Affordable housing units may be provided on site or off site within the Borough.

§ 130-111. Purpose of development fees. [Added 2-5-2019 by Ord. No. 2-2019]

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH).
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a court-approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32 to 38 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7). Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a court-approved spending plan.

§ 130-112. Basic requirements. [Added 2-5-2019 by Ord. No. 2-2019]

- A. This article shall not be effective until approved by the court.
- B. The Borough of Sea Bright shall not spend development fees until the court has approved a plan for spending such fees (spending plan).

§ 130-113. Definitions. [Added 2-5-2019 by Ord. No. 2-2019]

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act.

DEVELOPER — 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 FEE — Money paid by a developer for the improvement of property as permitted at N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE — 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 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — Those 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.

§ 130-114. Residential development fees. [Added 2-5-2019 by Ord. No. 2-2019]**A. Imposition of fees.**

- (1) Within the Borough of Sea Bright, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new 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.
- (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% 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.

B. Eligible exactions, ineligible exactions and exemptions for residential developments.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- (4) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, or where the square footage is expanded by 51% or more, 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. **[Amended 9-3-2019 by Ord. No. 18-2019]**
- (5) Where there is an improvement or replacement of an existing residential structure, no development fee shall be required to be paid. The construction or improvement of a permitted accessory structure on a lot containing an existing residential structure shall not require the payment of a development fee. **[Amended 9-3-2019 by Ord. No. 18-2019]**
- (6) Developers of houses of worship and other uses that are entitled to exemption from New Jersey real property tax shall be exempt from the payment of a development fee, provided that such development does not result in the construction of any additional housing or residential units, including assisted living and continuing care retirement communities.

§ 130-115. Nonresidential development fees. [Added 2-5-2019 by Ord. No. 2-2019]

A. Imposition of fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, 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 nonresidential 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 preexisting 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 nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential 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% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential 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 40:55D-8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential 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 nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential 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 nonresidential development fees under these circumstances may be enforceable by the Borough of Sea Bright as a lien against the real property of the owner.
- (6) Pursuant to P.L. 2009, c. 90 and P.L. 2011, c. 122, the nonresidential statewide development fee of 2.5% for nonresidential development is suspended for all nonresidential projects that received preliminary or final site plan approval subsequent to July 17, 2008, until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

§ 130-116. Collection procedures. [Added 2-5-2019 by Ord. No. 2-2019; amended 9-3-2019 by Ord. No. 18-2019]

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to

be completed as per the instructions provided. The developer of a nonresidential development shall complete N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the 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 construction permit shall notify the Borough Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- D. Within 90 days of the receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed, which shall be provided to the developer.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough 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 Sea Bright 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 the 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. The entire development fee shall be collected at the time of issuance of the certificate of occupancy. No certificate of occupancy shall be issued until the development fee is paid in full.

§ 130-117. Appeal of development fees. [Added 2-5-2019 by Ord. No. 2-2019]

- 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 the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Sea Bright. 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, N.J.S.A. 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 nonresidential 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 Borough of Sea Bright. 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, N.J.S.A. 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.

§ 130-118. Affordable Housing Trust Fund. [Added 2-5-2019 by Ord. No. 2-2019]

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Sea Bright for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by ordinance or by agreement with the Borough of Sea Bright;
 - (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 Sea Bright's affordable housing program.
- C. In the event of a failure by the Borough of Sea Bright to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the court; or for other good cause demonstrating the unapproved use(s) of funds, the court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Sea Bright, or, if not practicable, then within the county or the housing region.
- D. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the trust fund. The court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- E. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the court.

§ 130-119. Use of funds. [Added 2-5-2019 by Ord. No. 2-2019]

- A. The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the court to address the Borough of Sea Bright's 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; Regional Housing Partnership programs; conversion of existing nonresidential 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 the court and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough of Sea Bright for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for the housing region in which Sea Bright is located.
 - (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, 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 to households earning 30% or less of median income may include 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. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the spending plan.
 - (3) Payments in lieu of constructing affordable housing units on site, if permitted by ordinance or by agreement with the Borough of Sea Bright, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Sea Bright may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may 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 a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

- (1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
- (2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the court are not eligible uses of the Affordable Housing Trust Fund.

§ 130-120. Monitoring. [Added 2-5-2019 by Ord. No. 2-2019]

The Borough of Sea Bright shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all 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. Such reporting shall include an accounting of development fees collected from residential and nonresidential developers, payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the Borough), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from Borough-owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Sea Bright's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the spending plan approved by the court.

§ 130-121. Ongoing collection of fees. [Added 2-5-2019 by Ord. No. 2-2019]

- A. The ability of the Borough of Sea Bright to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its judgment of compliance unless the Borough of Sea Bright has first filed an adopted Housing Element and Fair Share Plan with the court or with a designated state administrative agency, has petitioned for a judgment of compliance from the court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Sea Bright 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

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Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).

- C. The Borough of Sea Bright shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Sea Bright retroactively impose a development fee on such a development. The Borough of Sea Bright also shall not expend any of its collected development fees after the expiration of its judgment of compliance.

Appendix F. Draft Administrative Agent Ordinance

§ XX-XXX Administrative Agent.

The Administrative Agent may be an independent entity serving under contract to and reporting to the Borough. For new sales and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in §§ 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which include:

A. Affirmative marketing:

- (1)** Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Sea Bright and the provisions of N.J.A.C. 5:80-26.15; and
- (2)** 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.

B. Household certification:

- (1)** Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2)** 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;
- (3)** Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4)** 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 Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5)** 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;
- (6)** Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Sea Bright when referring households for certification to affordable units; and

(7) Notifying the following entities of the availability of affordable housing units in the Borough of Sea Bright: FSHC, the New Jersey State Conference of the NAACP, the Trenton, Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, and Greater Long Branch branches of the NAACP, Shiloh Baptist Church, the Latino Action Network, and the Supportive Housing Association.

C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C 5:80-26.10.

D. Resales and rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

E. Processing requests from unit owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
- (2) 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;

(3) Notifying the Borough of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) 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;

(3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

(4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

(1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Appendix G. Draft Municipal Housing Liaison Ordinance

§ XX-XXX: Municipal Housing Liaison.

A. The Borough of Sea Bright shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Beach shall adopt an ordinance creating the position of Municipal Housing Liaison. Sea Bright shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee of Sea Bright. The Municipal Housing Liaison shall be reported to the Superior Court and thereafter posted on the Borough website and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Sea Bright, including the following responsibilities, which may not be contracted out to the Administrative Agent:

- (1)** Serving as Sea Bright's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
- (2)** The implementation of the Affirmative Marketing Plan and affordability controls;
- (3)** When applicable, supervising any contracting Administrative Agent;
- (4)** Monitoring the status of all restricted units in Sea Bright's Fair Share Plan;
- (5)** Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- (6)** Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- (7)** Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

C. Subject to the approval of the Court, the Borough of Sea Bright shall designate one or more Administrative Agent(s) to administer and the affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this section. An operating manual for each affordable housing program shall be provided by the Administrative Agent(s), to be adopted by resolution of the governing body and subject to approval of the

Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).