

Housing Element and Fair Share Plan

Prepared for:

**The Borough of Sea Girt
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 Girt, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. In Region 4 the 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 for 2024.

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

Sea Girt is a charming, quiet seaside community located along the Atlantic Ocean in southeastern Monmouth County, New Jersey in the one square mile between Stockton Lake to the south and Wreck Pond to the north. The Borough is 1.06 square miles and has been developing as a residential community since 1875, when it was purchased by a group of Philadelphia land developers. Though it began as a vacation destination, the development of the North Jersey Coast Rail line, which includes nearby stops in Manasquan and Spring Lake, and highway infrastructure brought additional means of commuting that opened the Borough to additional year-round residents.

Today the Borough is an almost completely built out residential community with a number of recreational activities to be enjoyed by residents and visitors. Commercial uses are concentrated along the western extent of Washington Boulevard, near the Borough's border with Manasquan, and along Route 71. The southwestern most portion of the Borough is dedicated to the National Guard Training Center. The Borough is bordered by the Atlantic Ocean to the east, Spring Lake and Spring Lake Heights to the north, Wall to the west, and Manasquan to the west and the south.

The current year-round population of Sea Girt is estimated at 1,978 (ACS 2023 5-year data), swelling substantially in the summer months. Sea Girt has a population density of 1,834.3 persons per square mile, compared to that of the county's 1,378.4 persons per square mile. The Borough's median age slightly increased between 2010 and 2023, with a 2010 median age of 53.7 and a 2023 median age of 56.1 years of age. Sea Girt's 2023 median household income estimate of \$206,000 was significantly higher than that of the county (\$122,727) and the State (\$101,050).

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

DEMOGRAPHIC CHARACTERISTICS

POPULATION

In 2023, Sea Girt had an estimated total population of 1,978. This number represents a population increase of 253 persons or 14.7 percent since 2020, when the total population was 1,725. An overall downward population trend has been occurring in Sea Girt since 1980, the year in which the population peaked at 2,650. The population experienced a brief period of increase in the decade 1990 to 2000 but returned to a downward trend in the decade from 2000 to 2010. Monmouth County, in comparison, has been experiencing consistent population increases across decades, but with a much smaller population increase of 4.29% between 2020 and 2023.

TABLE 1: POPULATION TRENDS, 1940-2023

Year	Sea Girt			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	599	-	-	161,238	-	-	4,160,165	-	-
1950	1,178	579	96.7%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	1,798	620	52.6%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	2,207	409	22.7%	461,849	127,448	38.1%	7,171,112	1,104,330	18.2%
1980	2,650	443	20.1%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	2,099	-551	-20.8%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	2,148	49	2.3%	615,301	62,177	11.2%	8,414,350	684,162	8.9%
2010	1,828	-320	-14.9%	628,112	12,811	2.0%	8,721,577	307,227	3.6%
2020	1,725	-103	-5.6%	620,821	-7,291	1.2%	8,885,418	163,841	1.9%
2023*	1,978	253	14.7%	643,615	22,794	3.67%	9,267,014	381,596	4.29%
2050^	1,972	-6	-0.3%	669,624	48,559	4.0%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)

*U.S. Census Bureau, 2023 ACS 5-Year Estimates (table DP05)

**Population Projections from North Jersey Transportation Planning Authority (NJTPA)

POPULATION COMPOSITION BY AGE

The age composition of Sea Girt has shifted noticeably since 2010. According to American Community Survey 2023 5-Year Estimates, significant changes occurred in many age groups. The greatest percentage decreases occurred in the population under 5 years old, which decreased by 83.8 percent, followed by the 10 to 14 years age cohort, which decreased by 42.5 percent. Conversely, the Borough has seen a significant increase in the number of residents between 20 and 44 years, and children aged 5 to 9 years. The greatest percentage increases occurred in, the 5 to 9 years age cohort, which increased by 153.4 percent and the 20 to 24 years age cohort, which increased by 72.09 percent, suggesting that families with young children have moved into Sea Girt.

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

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	1,951	100.00%	1,978	100%	1.38%
Under 5 years	105	5.40%	17	0.9%	-83.8%
5 to 9 years	58	3.00%	147	7.4%	153.4%
10 to 14 years	146	7.50%	84	4.2%	-42.5%
15 to 19 years	107	5.50%	63	3.1%	-41.1%
20 to 24 years	86	4.40%	148	7.4%	72.09%
25 to 34 years	128	6.60%	118	6.7%	-7.8%
35 to 44 years	124	6.40%	190	9.6%	53.2%
45 to 54 years	268	13.70%	169	8.4%	-36.9%
55 to 59 years	220	11.30%	202	10.2%	-8.1%
60 to 64 years	197	10.10%	217	10.9%	10.1%
65 to 74 years	240	12.30%	336	16.9%	40.0%
75 to 84 years	185	9.50%	174	9.3%	-5.9%
85 years and over	87	4.50%	113	5.7%	29.9%
U.S. Census Bureau American Community Survey 5-Year Estimates (table DP-05)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in the middle aged population with the 35 to 54 year age cohort, with a combined 37.7% decrease. However, the population of age cohorts 55 and older increased 168.5% percent between 2010 and 2023, suggesting that the County has an aging population.

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

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	628,112	100.0%	643,615	100.0%	2.5%
Under 5 years	36,105	5.7%	32,114	4.9%	-11.05%
5 to 9 years	43,432	6.9%	37,390	5.8%	-13.9%
10 to 14 years	45,172	7.2%	39,484	6.1%	-12.5%
15 to 19 years	44,706	7.1%	42,163	6.6%	-5.7%
20 to 24 years	33,055	5.3%	37,390	5.8%	13.99%
25 to 34 years	63,105	10.0%	70,569	10.9%	11.8%
35 to 44 years	93,461	14.9%	75,860	11.8%	-18.8%
45 to 54 years	108,675	17.3%	88,083	13.7%	-18.9%
55 to 59 years	42,594	6.8%	50,654	7.8%	18.9%
60 to 64 years	34,235	5.5%	50,797	7.8%	48.4%
65 to 74 years	41,719	6.6%	71,107	11.04%	70.4%
75 to 84 years	29,301	4.7%	33,953	5.3%	15.9%
85 years and over	12,552	2.0%	14,423	2.2%	14.9%
U.S. Census Bureau American Community Survey 5-Year Estimates (table DP-05)					

The median age of Sea Girt residents increased 2.4 years between 2010 and 2023, more than the State's overall increase of 1.6 years, but slightly less than the County's increase of 2.6 years. However, the median age of Sea Girt residents (56.1) is significantly higher than that of the County (43.2) or the State (40.1).

TABLE 4: MEDIAN AGE

Year	Sea Girt	Monmouth County	New Jersey
2010	53.7	40.6	38.5
2023	56.1	43.2	40.1
Change	2.4	2.6	1.6
U.S. Census Bureau, American Community Survey 2010, 2023 5-Year Estimates (table B01002)			

HOUSEHOLDS

A household is defined as one or more persons, related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 810 households in Sea Girt. Approximately 72.1 percent of the Borough's households were comprised of one or two persons, with the two-person category containing the greatest number of households. A smaller percentage (~59%) of Monmouth County households fell into these categories. The Borough exhibited a lower percentage of three and four-or-more person households than the County. The Borough's average household size reflects these trends, at 2.44 persons per household compared to the County's 2.55 persons per household figure.

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

	Sea Girt		Monmouth County	
	Number	Percent	Number	Percent
Total Households	810	100.0%	250,195	100.0%
1-person	166	20.4%	66,589	26.6%
2-persons	418	51.6%	81,289	32.4%
3-persons	67	5.7%	40,929	16.4%
4 or more persons	159	19.62%	61,388	24.5%
Average Household Size	2.44		2.55	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household, related by blood, marriage, or adoption. Households in Sea Girt are mainly family households, comprising 77.6 percent of all households. Approximately 87.1 percent of all family households were family households with married couple householders, while 5.7 percent and 7.2 percent of family households respectively were family households consisting of single parent male or female householders. The average family size was 2.93 persons. Of all Borough households, 22.3 percent were non-family households.

TABLE 6: HOUSEHOLDS BY TYPE (2023)

Households	Total	Percent
	810	100.0%
Average Household Size	2.44	
Average Non-Family Household Size	1.08	
Family households	629	77.6%
Married Couple Family	548	67.6%
With own children under 18 years	129	15.9%
No children under 18 years	419	51.7%
Other Family		
Male householder, no spouse present	36	4.4%
With own children under 18 years	0	0.0%
No own children under 18 years	36	4.4%
Female householder, no spouse present	45	5.6%
With own children under 18 years	0	0.0%
No own children under 18 years	45	5.6%
Nonfamily Households	181	22.3%
Average Family Size	2.93	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table S1101)		

INCOME

Sea Girt experienced an estimated 136.2 percent increase in per capita income between 2010 and 2023, which was higher than Monmouth County's 60.0 percent increase, and higher than the State's 52.4 percent increase. The same trend is observed in terms of the per capita income, as the Sea Girt experienced the highest increase of the three geographic regions studied. The Borough's percent increase in per capita income was also higher than that of Monmouth County and New Jersey. Sea Girt's per capita income of \$206,000 in 2023 is significantly higher than the County's \$122,727 per capita income figure, both of which are higher than the State's \$101,050 per capita income.

TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
Sea Girt	\$63,422	\$149,843	136.2%	\$96,652	\$206,000	12.2%
Monmouth County	\$40,976	\$65,545	60.0%	\$82,265	\$122,727	90.9%
New Jersey	\$34,858	\$53,118	52.4%	\$69,811	\$101,050	83.2%
U.S. Census Bureau, 2000 Decennial Census (tables DP-3 and P082)						
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S1902 and S1903)						

The income distribution for the Borough deviates from that of the County. The income bracket containing the highest percentage of households is the \$200,000 or more range,

followed by the \$100,000 to \$149,999 range for both Sea Girt (51.2%) and Monmouth County (27.7%). However, the number of households in the \$200,000 or more range is almost double in Sea Girt than that of the County. In terms of median household income, households in Sea Girt earned more than households in Monmouth County and the State overall in 2023. The median income in Sea Girt was \$206,000, approximately \$83,000 more than county median household income and \$104,950 more than state median household income. Between 2010 and 2023, Sea Girt's median household income increased 139.2 percent, higher than the 90.9 percent increase experienced in Monmouth County and the 83.2 percent increase for the State overall.

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

	Sea Girt		Monmouth County	
	Number	Percent	Number	Percent
Total Households	810	100.0%	250,195	100.0%
Less than \$10,000	14	1.7%	8,165	3.2%
\$10,000 to \$14,999	18	2.2%	5,319	2.1%
\$15,000 to \$24,999	3	0.3%	10,781	4.3%
\$25,000 to \$34,999	13	1.6%	10,705	4.3%
\$35,000 to \$49,999	30	3.7%	17,390	6.9%
\$50,000 to \$74,999	51	5.8%	25,153	10.05%
\$75,000 to \$99,999	55	6.7%	25,542	10.2%
\$100,000 to \$149,999	122	15.06%	43,917	17.5%
\$150,000 to \$199,999	93	11.4%	33,996	13.6%
\$200,000 or more	415	51.2%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				

HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Sea Girt in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 186 households (26.3%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. There are 105 renter-occupied housing units in Sea Girt. A total of 28 households (26.7%) were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

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

	Sea Girt		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	705	100.0%	188,578	100.0%
Less than 15%	353	50.0%	61,170	32.4%
15 to 19%	49	6.9%	31,997	16.9%
20 to 24%	71	10.0%	25,780	13.7%
25 to 29%	41	5.8%	16,946	8.9%
30 to 34%	37	5.2%	10,722	5.7%
35% or more	149	21.1%	40,650	21.6%
Not computed	5	0.7%	1,313	0.69%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				

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

	Sea Girt		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	105	100%	61,617	100.0%
Less than 15%	18	17.1%	7,106	11.5%
15 to 19%	28	26.7%	6,970	11.3%
20 to 24%	14	8.6%	6,927	11.2%
25 to 29%	0	0.0%	6,419	10.4%
30 to 34%	14	13.3%	4,751	7.7%
35% or more	14	13.3%	26,025	42.2%
Not computed	17	16.1%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				

EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

According to the 2023 ACS, there are approximately 1,188 housing units in Sea Girt, with 810 occupied housing units. The majority (87.03%) are owner occupied and mainly consist of detached single-family homes. Approximately 31.8 percent of the Borough's housing stock is vacant. The majority of these homes are considered vacant because they serve as seasonal homes, rather than as the primary residence of the owners. Most of the housing structures (~57.5%) were built before 1970.

TABLE 11: HOUSING UNIT DATA, 2023

Housing Units in Sea Girt	Number	Percent
Total Housing Units	1,188	100.0%
Vacant Housing Units	378	31.8%
Occupied Housing Units	810	68.1%
Owner Occupied	705	87.03%
Renter Occupied	105	12.9%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

	Number	Percent
Built 1939 or earlier	168	14.1%
Built 1940 to 1949	160	13.5%
Built 1950 to 1959	242	20.3%
Built 1960 to 1969	114	9.6%
Built 1970 to 1979	80	6.7%
Built 1980 to 1989	65	5.4%
Built 1990 to 1999	55	4.6%
Built 2000 to 2009	132	11.1%
Built 2010 or later	172	14.5%
Total	1,188	100.0%
Median Year Structure Built	1981	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

HOUSING TYPE AND SIZE

The majority of residences in Sea Girt are single-family detached homes, which comprise 95.7 percent of the housing stock, followed by residences with 2 units or more, which comprise 1.8 percent of the housing stock. The median number of rooms per unit was 8.1.

TABLE 12: HOUSING UNITS BY TYPE, 2023

Units in Structure	Total	Percent
Total	1,188	100%
1 Unit, detached	1,138	95.7%
1 Unit, attached	3	0.3%
2 Units	21	1.8%
3 or 4 Units	8	0.6%
5 to 9 Units	0	0%
10 to 19 Units	0	0%
20 Units or more	18	1.5%
Mobile home	0	0%
Boat, RV, van, etc.	0	0%
Rooms	Total	Percent
1 room	0	0%
2 rooms	0	0%
3 rooms	14	1.2%
4 rooms	63	5.3%
5 rooms	18	1.5%
6 or more rooms	1,093	92.0%
Median number of rooms	8.1	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

HOUSING VALUES AND CONTRACT RENTS

According to 2023 ACS 5-Year Estimates, the majority of units in Sea Girt (89.5%) were valued at over \$500,000. Table 13 provides a breakdown of home values for owner-occupied units within the Borough. Only 10 owner-occupied housing units in Sea Girt were worth less than \$50,000. The median value of an owner-occupied housing unit in Sea Girt was greater than \$2,000,000 at the time of the survey, compared to the county's median value of \$566,500.

TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023

	Sea Girt		Monmouth County	
	Number	Percentage	Number	Percentage
Total	750	100%	188,578	100%
Less than \$50,000	10	1.3%	3,202	1.6%
\$50,000 to \$99,999	0	0%	2,703	1.4%
\$100,000 to \$149,999	11	1.5%	1,760	0.9%
\$150,000 to \$199,999	12	1.6%	2,797	1.4%
\$200,000 to \$299,999	0	0%	12,780	6.8%
\$300,000 to \$499,999	1	0.13%	55,119	29.2%
\$500,000 and greater	671	89.5%	110,217	58.4%
Median Value	\$2,000,000+		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

The number of rental units is estimated at 105. However, 17 of these rental units are categorized as units for which no cash rent is paid. The contract rent is \$3,500+ as of 2023.

TABLE 14: GROSS RENT PAID

	Sea Girt		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	105	100%	59,223	100%
Less than \$500	0	0%	4,045	6.8%
\$500 to \$999	0	0%	3,453	5.8%
\$1,000 to \$1,499	0	0%	13,711	23.1%
\$1,500 to \$1,999	0	0%	15,499	26.1%
\$2,000 or more	88	83.8%	22,515	38.0%
No cash rent	17	16.1%	2,394	4.0%
Median Contract Rent	\$3,500+		\$1,771	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

HOUSING CONDITIONS

According to the 2023 ACS, there were no units exhibiting overcrowding (more than one person per room), lacking complete plumbing facilities, or lacking complete kitchen facilities. Table 15 details the condition of housing within Sea Girt based on plumbing facilities, kitchen facilities, and overcrowding. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation. According to the data, 0.0 percent of occupied housing units experienced over-crowding, 0.0 percent of occupied units lacked complete plumbing facilities and 0.0 percent of units lacked complete kitchen facilities.

TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS

	Count	Percent
Housing Units with 1.01 or More Persons Per Room		
1.01 to 1.5 occupants per room	0	0%
1.51 or more occupants per room	0	0%
Plumbing Facilities		
Total Occupied Housing Units	810	100.0%
Lacking complete plumbing facilities	0	0%
Kitchen Equipment		
Total Occupied Housing Units	810	100%
Lacking complete kitchen facilities	0	0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, the Borough of Sea Girt has issued building permits for 426 residential dwelling units between 2000 and 2023. During that same time period, the Borough issued 354 residential demolition permits, adding a total of 72 dwelling units over this time period. Building permit data by year is summarized in Table 16 below.

**TABLE 16: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED,
2000 - JUNE 2023**

Year	Residential Building Permits Issued	Residential Demolitions	Total Added
2000	7	6	1
2001	16	15	1
2002	22	21	1
2003	27	21	6
2004	18	16	2
2005	28	23	5
2006	20	20	0
2007	16	15	1
2008	21	18	3
2009	9	6	3
2010	8	12	-4
2011	11	12	-1
2012	18	9	9
2013	19	16	3
2014	13	11	2
2015	16	19	-3
2016	18	24	-6
2017	24	15	9
2018	23	14	9
2019	15	13	2
2020	17	14	3
2021	15	15	0
2022	23	8	15
2023	22	11	11
Total	426	354	72
<i>Source: New Jersey Department of Community Affairs Division of Codes and Standards</i>			

EMPLOYMENT DATA

The 2023 ACS reports on the work activity of residents aged 16 years and older. The Borough's working age population was 1,716 persons (86.4 percent of the overall population), approximately 856 of whom were part of the labor force (49.8%). Approximately 50.1 percent of the Borough's working age residents were not participating in the labor force, which is 22.07 percent higher than that of the county. This could perhaps be a result of the high proportion of retirement-age residents. All of Sea Girt's labor force was employed in civilian jobs. Approximately 2.4 percent of Borough residents are estimated to be unemployed at this time, lower than the estimated unemployment rate of Monmouth County overall (3.5%).

TABLE 17: EMPLOYMENT STATUS

	Sea Girt		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	1,716	100.0%	526,352	100.0%
In labor force	856	49.8%	349,815	66.5%
Civilian Labor Force	856	49.8%	349,355	66.4%
Employed	815	47.4%	331,018	62.9%
Unemployed	41	2.4%	18,337	3.5%
Armed Forces	0	0.0%	460	0.1%
Not in labor force	860	50.1%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

Over 70 percent of the Borough's workers were employed in private wage and salary positions, while about 6.6 percent of workers are self-employed. Government workers comprise about 20.4 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

TABLE 18: CLASSIFICATION OF WORKERS IN SEA GIRT, 2023

	Number	Percent
Total	815	100.0%
Private Wage and Salary Worker	595	73.0%
Government Worker	166	20.4%
Self-Employed Worker	54	6.6%
Unpaid Family Worker	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

EMPLOYMENT BY INDUSTRY

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Sea Girt were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers (27.9%) are employed in

Finance and insurance, and real estate and rental and leasing sector, followed by the Public Administration sector (17.9%). The other sectors employing over 10 percent of Borough's residents were Professional, scientific, and management, and administrative and waste management services (17.7%), and educational, health, and social assistance (10.8%).

TABLE 19: WORKFORCE BY SECTOR

Sector	Number	Percent
Civilian employed population 16 years and over	815	100.0%
Agriculture, forestry, fishing and hunting, mining	4	0.4%
Construction	50	6.1%
Manufacturing	34	4.1%
Wholesale Trade	19	2.3%
Retail Trade	48	5.9%
Transportation and Warehousing, and Utilities	0	0.0%
Information	16	1.9%
Finance and insurance, and real estate and rental and leasing	228	27.9%
Professional, scientific, and management, and administrative and waste management services	144	17.7%
Educational services, and health care and social assistance	88	10.8%
Arts, entertainment, and recreation, and accommodation and food services	30	3.6%
Other Services, except public administration	8	0.9%
Public administration	146	17.9%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 20 provides a percentage comparison of the Borough's workforce against that of the County. The Borough's profile of employment deviates significantly from the County overall. The highest percentages of the County's workforce was employed in the educational services, and health care and social assistance sector, followed by the professional, scientific and management, and administrative and waste management service, and retail trade.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR
SEA GIRT BOROUGH AND MONMOUTH COUNTY, 2023**

Sector	Sea Girt	Monmouth County
Civilian employed population 16 years and over	815	331,018
Agriculture, forestry, fishing and hunting, mining	0.49%	0.4%
Construction	6.1%	6.9%
Manufacturing	4.1%	6.2%
Wholesale Trade	2.33%	2.4%
Retail Trade	5.9%	10.4%
Transportation and Warehousing, and Utilities	0%	4.4%
Information	1.9%	3.2%
Finance and insurance, and real estate and rental and leasing	27.9%	10.3%
Professional, scientific, and management, and administrative and waste management services	17.7%	15.5%
Educational services, and health care and social assistance	10.8%	24.3%
Arts, entertainment, and recreation, and accommodation and food services	3.6%	7.7%
Other Services, except public administration	0.98%	3.7%
Public administration	17.9%	4.3%
U.S. Census Bureau, American Community 2023 Survey 5-Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Borough's employed civilian labor force. Slightly more than half of the Borough's employed civilian labor force was employed in management, business, science and arts occupations, while almost one quarter of the Borough's employed workforce was employed in sales and office occupations.

TABLE 21: OCCUPATIONS BY TYPE

Occupation	Number	Percent
Employed Civilian population 16 years and over	811	100.0%
Management, business, science and arts occupations	420	51.8%
Service occupations	65	8.01%
Sales and office occupations	180	22.1%
Natural resources, construction and maintenance occupations	23	2.8%
Production Transportation and material moving occupations	127	15.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

As indicated in Table 22 below, it is projected that Monmouth County will add 24,100 jobs by 2032. The Ambulatory Health Care Services; Transportation and Warehousing, and Information sectors are poised to experience the greatest increase in number of jobs over the course of the projection period.

TABLE 22: 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 Borough of Sea Girt is located within public water and sewer service areas. Sewer service is provided by the South Monmouth Regional Sewerage Authority, which directs wastewater to a secondary treatment plant located in Wall Township. Public water is provided by the Sea Girt Water Department which owns and operates the potable water system within the Borough. Water for public consumption is drawn from three wells tapping into the lower Kirkwood/Cohansey Aquifer and Englishtown Aquifers.

Anticipated Demand and Land Use Patterns

The Borough of Sea Girt contains mainly residential neighborhoods, as well as commercial development, a beach area, and the New Jersey National Guard Training Camp in the southern portion of the Borough. According to NJTPA population estimates projected to 2050, it is anticipated that the Borough will grow to approximately 1,972 people (a 0.3 percent decrease since 2023). As a fully built-out municipality, it is anticipated that Sea Girt will need to accommodate future population and employment growth as opportunities for redevelopment arise.

Residential

Currently, the Borough is predominantly zoned for Single Family housing in zones 1E and 1W in the Northern part of the Borough. There are currently no Zoning Districts designated for higher-density residential districts. Sea Girt, however, has opportunities to allow and encourage mixed-use development in its downtown area, permitting upper floor apartments and multi-family uses in areas potentially designated as mixed-use districts.

Non-Residential

Sea Girt has a well-defined, low-density commercial area that runs the length of one block along Washington Blvd, between 6th and 5th Avenue. Buildings located in the Commercial district are typically two-stories in height, between two and three tenant spaces per lot or building. This area, with many positive aspects of downtown commercial corridors, has a variety of restaurants, salons, offices, and a couple of retail establishments. Given the built-out nature of the Borough, new commercial development will most likely take the place of existing tenants or will require some degree of redevelopment to occur on already developed sites.

Environmental Constraints

Sea Girt enjoys many natural environmental amenities, including the ocean, wooded areas, lake, dunes, and wetlands. In order for these environmentally sensitive features to retain their existing quality and perform vital ecosystem functions, the Borough must be conscious of its role as steward of its natural environment. Sea Girt is home to a stretch of coastline, bordered by Wreck Pond to the north and by Stockton Lake to the south. It is also home to the Sea Girt Army Camp, a training center for the New Jersey National Guard since 1887. Along the stretch coastal zone there are limited pervious surfaces. Impervious surface contributes to negative environmental outcomes, particularly in coastal communities, by creating high velocity runoff and limiting groundwater recharge during storm events. Given these realities, the Sea Girt must conserve natural features such as dunes and wetlands that can absorb excess stormwater and help filter polluted runoff.

Historic

Four properties in Sea Girt are listed on the State Register of Historic places: Hunter Cottage, the New York and Long Branch Railroad Historic District, Quarters One, and the Shearman/Mount/Stockton Farmstead Site. While select properties are targeted for preservation, historic status is not generally a major source of development constraint in Sea Girt. Currently, pursuing the development of a historic preservation plan is included as one of the planning recommendations for the Sea Girt Master Plan.

Existing Land Use Designations

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted June 20, 2018.

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

Single-Family Residential Zones: 1W and 1E

The Borough has established two single-family residential zones, which have the same principal, accessory, and conditional uses. The principal permitted uses are single family dwellings, municipal buildings and facilities, municipal parks and playgrounds, and public libraries. Permitted accessory uses are generally those customary and incidental to residential property, including fences and walls, garages, and private residential pools. Conditionally permitted uses include houses of worship, schools, and home offices.

The 1E zone is the district that occupies the largest land area of any zone in the Borough, located east of the railroad tracks. It also occupies large areas of the Borough south of Wreck Pond.

The 1W zone is the smaller residential district, located west of the railroad tracks and bordering Spring Lake Heights Borough, Wall Township, and Manasquan Borough.

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

Convenience Commercial Zones: 2E and 2W

The Convenience Commercial zone is intended to preserve the existing primary area of commercial concentration and permit such uses that meet the daily and other convenience needs of the Borough. The principal permitted uses are restaurant, tea rooms, luncheonettes and grills; stores and shops for the retail sale of groceries, meats, fruits, vegetables, alcoholic beverages, stationery, newspapers, appliances, wearing apparel, antiques, gifts and other similar retail uses; service uses such as beauty salons, barber shops, tailors, banks, professional offices, post office and other similar service uses; apartments above businesses not to exceed two (2) per lot; and service stations.

The differentiation between the two commercial zones is with respect to their locations within the Borough.

The 2E zone is located east of the railroad tracks, mainly surrounded by the 1E single-family residential zone. The southern portion of the zone is located along Sea Girt Ave, abutting district 4: Recreational Open Space.

The 2W zone is located west of the railroad tracks, mainly surrounded by the 1W single-family residential zone. The southern portion of the zone is located along Sea Girt Ave, abutting the Manasquan Borough municipal boundary.

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

District 3: Beach

The Beach zone is intended to preserve the existing natural beach area and dunes which are present in Sea Girt. The zone extends along the entire coastal portion of the Borough to the north and south boundaries. The principal permitted uses are the boardwalk, no more than one (1) Municipal pavilion, open beach area, and Ocean Avenue with its designated curbside parking spaces. There are no conditionally permitted uses or permitted accessory uses.

District 4: Recreational Open Space

The Recreational Open Space zone is intended to provide for and preserve passive and active recreational uses, adequate light, air, and open space to preserve the environment, open space, environmentally sensitive areas, and valuable natural resources. The zone is located east of the railroad tracks in the southern portion of the Borough, north of Stockton Lake, bordered by the 1E and 2E zones along Sea Girt Ave, and west of the Beach zone. The principal permitted uses are the beach zone, active recreational uses, passive recreational uses, environmentally sensitive areas and buffers, and government use. Permitted accessory uses include municipal facilities, museums, wireless telecommunications facilities, and parking.

Consistency with the State Plan

This housing element is consistent with the plans and policies of the New Jersey State Development and Redevelopment Plan (SDRP). The Borough is located within the PA 1 – Metropolitan Planning Area. According to the State Plan, most of the communities within the PA1 planning area are fully developed or almost fully developed with little vacant land available for new development. This planning area includes a variety of communities and is intended to provide for future redevelopment and revitalize the communities, promote growth in compact forms, stabilize older suburbs, redesign areas of sprawl and protect the character of existing stable communities. This plan is consistent with the State Plan by preserving and protecting the established residential character, preserving and upgrading the existing utility infrastructure, providing adequate open space facilities, and preserving and protecting valuable natural features within the Borough.

Sea Girt's planning documents are consistent with the State's goals for Stormwater Management, including the Stormwater Management Information guide for the public, Stormwater Pollution Prevention plan, as well as a Municipal Stormwater Management Plan. Municipal strategies to implement stormwater management strategies include but are not limited to public outreach methods and education programs, new development and redevelopment programs, yard waste ordinance/Collection program, storm drain inlet retrofitting, street sweeping and road erosion control maintenance, storm drain inlet

labeling, and MS4 outfall pipe mapping; in compliance with State requirements.

Public transportation is provided in Sea Girt via NJ Transit Bus Routes and locally by the NJ Transit North Jersey Coast commuter rail line, which runs through the western portion of the Borough. While there is currently no train station within the Borough of Sea Girt, the neighboring municipalities of Spring Lake to the north and Manasquan to the south have station stops. In 1975, the NJ Transit station stop at Sea Girt was shut down permanently due to budget cuts and in 1992 the building was repurposed and was reopened as a free public library owned by the Borough.

FAIR SHARE PLAN

Fair Share Obligation Summary

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated in the NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology. The Borough's housing obligation is outlined in Table 23, below:

TABLE 23: FAIR SHARE OBLIGATION SUMMARY

Obligation Component	Number of Credits Required
Present Need	0
Prior Round Obligation (1987-1999)	115
Third Round "Gap" and Prospective Need (1999-2025)	104
Fourth Round Prospective Need (2025-2035)	73

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

Lack of Developable Vacant Land

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

Given the Borough's lack of sufficient vacant and developable land, the Borough's ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. The prepared VLA illustrated a lack of vacant land and a Realistic Development Potential (RDP) of zero (0) affordable units.

Present Need/ Rehabilitation Obligation

The Borough's rehabilitation obligation is zero (0) units.

Third Round Obligation

The Borough of Sea Girt prepared a Vacant Land Adjustment to address its Third Round Obligation and was found to have a Realistic Development Potential of five (5) units.

The Third Round RDP was addressed through the creation of the AH-1 Affordable Housing Zone District, located near the intersection of 5th Avenue and Washington Blvd, and containing Block 76, Lots 1 and 2, and Block 77, Lots 16 and 17. The AH-1 Zone will provide an opportunity to develop additional affordable housing, and will generate three (3) affordable family units yielding five (5) affordable housing credits to be applied toward satisfying unmet need. The AH-1 zone was established per a Settlement Agreement due to litigation with Sitar and will require a fifteen percent (15%) affordable housing set-aside, with a minimum of 50% of all affordable units made affordable to very-low and low-income households, and a minimum of 13% of all affordable units made affordable to very-low-income households. The recently adopted ordinance is included herein as Appendix D.

Fourth Round Obligation

Satisfaction of the Borough's Realistic Development Potential

The Borough's RDP is zero (0).

Satisfaction of the Borough's Unmet Need

The Borough's unmet need is 73 units based on the remaining Fourth Round Obligation (2025-2035). The Borough has implemented the following mechanisms to address its unmet need, through the Third Round Compliance Process:

Mandatory Set-Aside Ordinance ("MSO")

The Borough established a Borough-wide Mandatory Set-Aside Ordinance ("MSO"). The MSO requires a 20 percent (20%) affordable housing set-aside for 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 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 Sea Girt or its boards to grant such rezoning, variance, redevelopment designation or other relief. The proposed ordinance is included herein as Appendix C.

Mixed Use Overlay ("MUO")

The Borough established an affordable housing-mixed use overlay zone in the 2E: 2 East and 2W: 2 West Convenience Commercial zones to provide an opportunity to develop additional affordable housing. Any affordable units generated in the overlay zone will be applied toward satisfying unmet need. The ordinances are included herein as Appendix E.

APPENDICES

Appendix A. Vacant Land Adjustment

Vacant Land Inventory and Analysis Report

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

Previous Housing Rounds and Vacant Land Analyses

The Borough of Sea Girt is a fully developed shore community located in Monmouth County. Sea Girt participated in the prior housing round.

Current Housing Round and Vacant Land Assessment

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

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

The realistic development potential (RDP) of the Borough’s vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has zero (0) suitable sites available for development, and consequently, has an RDP new construction obligation of zero (0) 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.

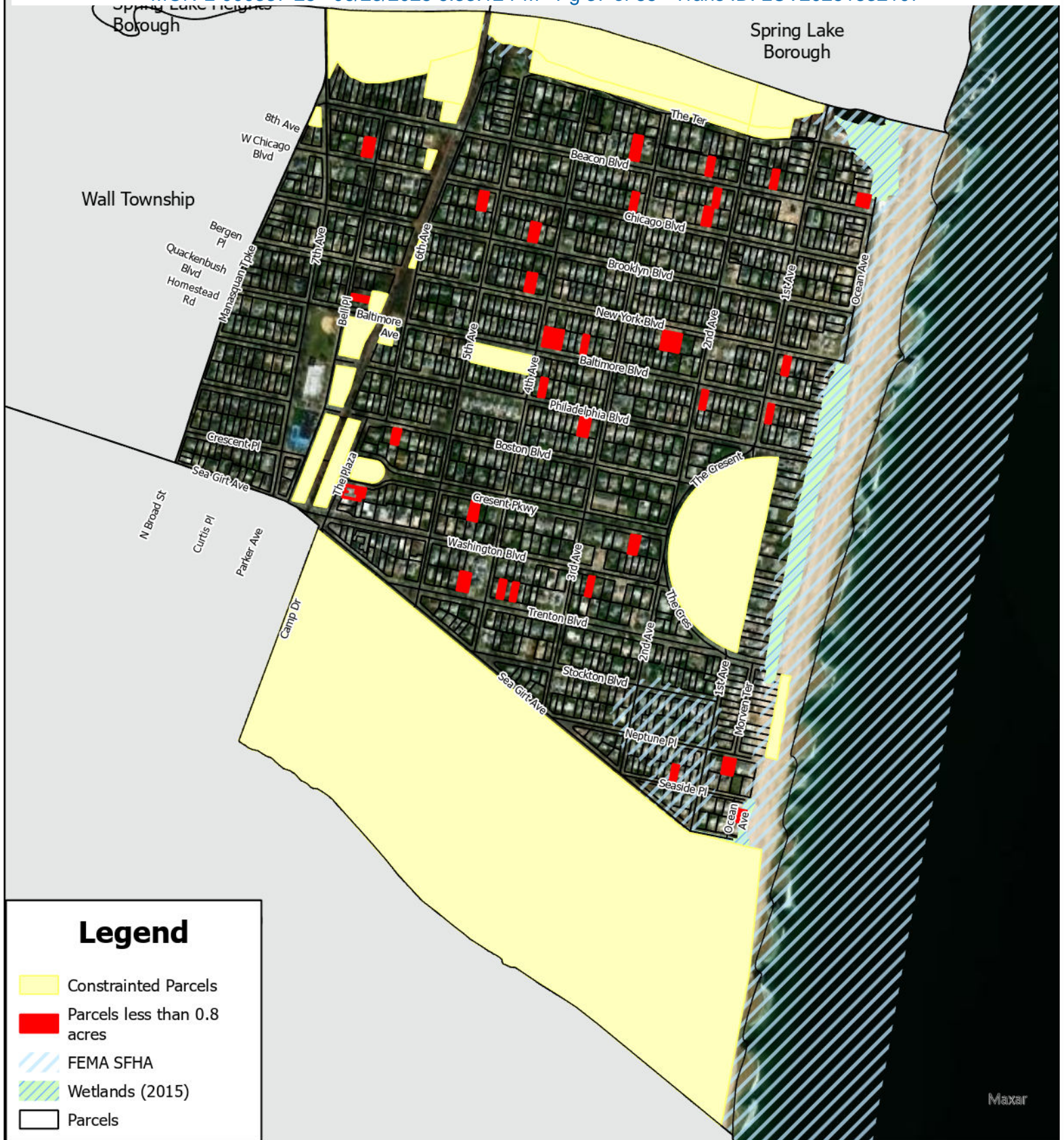
III. Summary and Conclusion

Based on the procedures for municipal adjustments provided in N.J.A.C. 5:93, the Borough of Sea Girt's RDP has been determined to be zero (0) affordable units. This finding is consistent with the Borough's current development conditions.

ATTACHMENT A: VACANT LAND INVENTORY **TABLE**

Block	Lot	Class	Location	Owner Name	Area (acres)	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for exclusion	Total Units	Affordable Units
44	2	1	305 BEACON BOULEVARD	HOFMAN, KENNETH B. & ALYSON L.	0.34	0.34	0	0	Less than 0.8 acres	0	0
74	11	1	514 BOSTON BOULEVARD	LIVOLI, TIMOTHY J. & MARY BETH	0.18	0.18	0	0	Less than 0.8 acres	0	0
75	1	15C	THE PLAZA	BOROUGH OF SEA GIRT	0.85	0.85	0	0	Owned by Borough	0	0
53	7	1	315 TRENTON BOULEVARD	PIERCE, FREDERICK & CATHY	0.17	0.17	0	0	Less than 0.8 acres	0	0
53	9	1	319 TRENTON BOULEVARD	DOMENICO, MICHAEL & SUSAN	0.17	0.17	0	0	Less than 0.8 acres	0	0
45	2	1	303 CHICAGO BOULEVARD	KELLY, SHAWN L. & MARGARET M.	0.17	0.17	0	0	Less than 0.8 acres	0	0
63	2	1	405 NEW YORK BOULEVARD	BITTLE, EDWARD W. & MARGARET M.	0.26	0.26	0	0	Less than 0.8 acres	0	0
67	1	15C	WRECK POND	BOROUGH OF SEA GIRT	1.24	1.24	0	0	Body of water and also owned by Borough	0	0
84	1	15C	601 BEACON BOULEVARD	BOROUGH OF SEA GIRT	0.75	0.75	0	0	Owned by Borough and less than 0.8 acres	0	0
84	20	15C	ALONG WRECK POND	BOROUGH OF SEA GIRT	2.69	2.69	0	0	Owned by Borough and is Borough park	0	0
88	1	15C	BALTIMORE BOULEVARD	BOROUGH OF SEA GIRT	0.00	0.00	0	0	Owned by Borough	0	0
88	3	1	408 BELL PLACE	CALDWELL, CARLYE G.	0.17	0.17	0	0	Less than 0.8 acres	0	0
88	10/01	1	406 CRESCENT PARKWAY	C.G.C. REALTY, LLC	0.26	0.26	0	0	Less than 0.8 acres	0	0
57	2	1	405 TRENTON BOULEVARD	HENRY, WALTER & LILE	0.30	0.30	0	0	Less than 0.8 acres	0	0
17	2	15C	WRECK POND	BOROUGH OF SEA GIRT	1.30	1.30	0	0	Owned by borough	0	0
42	4	1	209 BEACON BOULEVARD	DASAK, DANIEL N. & LAURA R.	0.17	0.17	0	0	Less than 0.8 acres	0	0
50	17	1	302 PHILADELPHIA BOULEVARD	BURGESS, KENNETH & SUSAN	0.29	0.29	0	0	Less than 0.8 acres	0	0
15	1	15C	9 OCEAN AVENUE	BOROUGH OF SEA GIRT	0.23	0.23	0	0	Less than 0.8 acres	0	0
11	8	1	10 NEW YORK BOULEVARD	CONNOLLY, MELINDA A. ETAL, TRUSTEES	0.17	0.17	0	0	Less than 0.8 acres	0	0
5	9	1	1003 OCEAN AVENUE	O'BRIEN, JAMES R. & KATHLEEN P.	0.23	0.23	0	0	Less than 0.8 acres	0	0
28	4	1	107 SEASIDE PLACE	RINNOVATORE, DIANE	0.15	0.15	0	0	Less than 0.8 acres	0	0
34	13	1	208 CRESCENT PARKWAY	BARONE, ROSE, ETALS	0.26	0.26	0	0	Less than 0.8 acres	0	0
80	4	15C	602 BALTIMORE BOULEVARD	BOROUGH OF SEA GIRT	0.00	0.00	0	0	Owned by Borough	0	0
6	2	1	1 SEASIDE PLACE	HARPER EMP CONSULTING, LLC	0.28	0.28	0	0	Less than 0.8 acres	0	0
10	6	1	12 BALTIMORE BOULEVARD	MCKINLAY, THOMAS & PAMELA	0.17	0.17	0	0	Less than 0.8 acres	0	0
84	21	15C	WRECK POND	BOROUGH OF SEA GIRT	1.86	1.86	0	0	Body of water	0	0
85	1	1	603 CHICAGO BOULEVARD	REPOL, MATTHEW & CHRISTIN	0.00	0.00	0	0	Less than 0.8 acres	0	0
89	1	15C	BELL PLACE	BOROUGH OF SEA GIRT	1.25	1.25	0	0	Owned by Borough	0	0
90	1	15C	612 PHILA & 613 BOSTON	BOROUGH OF SEA GIRT	0.87	0.87	0	0	Owned by Borough	0	0
78	1	15C	RAILROAD PLAZA	BOROUGH OF SEA GIRT	1.60	1.60	0	0	Owned by Borough	0	0
91	1	15C	RAILROAD PLAZA	BOROUGH OF SEA GIRT	1.98	1.98	0	0	Owned by Borough	0	0
17	1	15C	WRECK POND	BOROUGH OF SEA GIRT	2.70	2.70	0	0	Body of water	0	0
43	2	15C	THE TERRACE	BOROUGH OF SEA GIRT	3.25	3.25	0	0	Owned by Borough and in SFHA	0	0
38	16	1	210 NEW YORK BOULEVARD	NANI OHANA, LLC	0.52	0.52	0	0	Less than 0.8 acres	0	0
76	10	15F	800-804 THE PLAZA #1	THE PLAZA	0.00	0.00	0	0	Less than 0.8 acres	0	0
41	3	1	207 CHICAGO BOULEVARD	PIZZO, MEISSA	0.24	0.24	0	0	Less than 0.8 acres	0	0
49	9	1	319 PHILADELPHIA BOULEVARD	ZIPF, EDWIN & MARY DONOVAN ZIPF	0.17	0.17	0	0	Less than 0.8 acres	0	0
61	10	15C	400 BALTIMORE BOULEVARD	BOROUGH OF SEA GIRT	1.55	1.55	0	0	Owned by Borough, public Rec space	0	0
41	17	1	204 BEACON BOULEVARD	CONIARIS, HARRY & ELENA	0.17	0.17	0	0	Less than 0.8 acres	0	0
48	4	1	309 BALTIMORE BOULEVARD	GORIA, JEFFREY L. & ANGELA	0.17	0.17	0	0	Less than 0.8 acres	0	0
48	8	15C	319-321 BALTIMORE BOULEVARD	BOROUGH OF SEA GIRT	0.52	0.52	0	0	Less than 0.8 acres	0	0
3	1	15C	BEACHFRONT(MOREN TERR)	BOROUGH OF SEA GIRT	1.13	1.13	0	0	Beach	0	0
33	10	1	218 WASHINGTON BOULEVARD	COOLEY, JUSTUS H. & MICHAEL COOLEY	0.18	0.18	0	0	Less than 0.8 acres	0	0
64	3	1	405 BROOKLYN BOULEVARD	SMITH, J DOUGLAS & CECILE	0.26	0.26	0	0	Less than 0.8 acres	0	0
98	3	15C	700 BEACON BOULEVARD	BOROUGH OF SEA GIRT	0.00	0.00	0	0	Owned by Borough	0	0
97	1	15F	619 CHICAGO BOULEVARD	MEISELL, MICHAEL & ELLEN	0.27	0.27	0	0	Less than 0.8 acres	0	0
82	1	15C	SIXTH AVENUE	NJ TRANSIT CORP % R GIERDS, DIR	0.00	0.00	0	0	Owned by NJ Transit	0	0
9	22	15C	CRESCENT PARK	BOROUGH OF SEA GIRT	17.66	17.66	0	0	Public Park/Owned by Borough	0	0
23	6	1	1201 BALTIMORE BOULEVARD	LECKEY, WILLIAM JR & ALEXIS	0.17	0.17	0	0	Less than 0.8 acres	0	0
18	5	1	109 BEACON BOULEVARD	SHERIDAN, MARY DUGAN	0.17	0.17	0	0	Less than 0.8 acres	0	0
43	1	15C	WRECK POND	BOROUGH OF SEA GIRT	11.01	11.01	0	0	Body of Water	0	0
69	12	1	502 CHICAGO BOULEVARD	SNYDER, ARTHUR III & JACQUELYN	0.26	0.26	0	0	Less than 0.8 acres	0	0
106	1	15C	500 SEA GIRT AVENUE	STATE OF NJ C/O DEPT OF DEFENSE	164.35	164.35	0	0	Owned by NJ and Dept. of Defense	0	0
Total										0	0

ATTACHMENT B: VACANT LAND MAPPING



Leon S. Avakian, Inc
Consulting Engineers

Vacant Parcels and Constraints

Vacant Land Assessment

Borough of Sea Girt

Monmouth County, New Jersey

Source: LSA, NJGIN, and
Monmouth County GIS
Created June 3, 2025

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.

0 500 1,000 2,000
Feet



ATTACHMENT C: EXISTING LAND USE MAP



Leon S. Avakian, Inc

Consulting Engineers

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.

0 500 1,000 2,000
Feet

Existing Land Use

Vacant Land Assessment

Borough of Sea Girt

Monmouth County, New Jersey

Source: LSA, NJGIN, and
Monmouth County GIS
Created June 5, 2025



Appendix B. Spending Plan

SEA GIRT BOROUGH AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

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 adopted a development fee ordinance in September 2024, codified as part of the Borough's Revised General Ordinances, to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund at a percentage of 1%. The sections below outline the Borough's plan for the administration and use of collected development fee revenues as per the requirements of N.J.A.C. 5:93-5.1(c).

I. Projected Revenues 2025 through 2035

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in average increase in value of structures after being knocked down and rebuilt in Sea Girt. Sea Girt is a fully developed community, in which all development occurs through the removal of a previously existing structure.

Multiplying the average development fee by the average number of rebuilds per year provides a reasonable estimate for the anticipated annual development fee revenues through 2035. We estimate that Sea Girt should generate approximately \$250,000 in development fees each year.

The Borough has not collected any revenue in the form of payments in lieu of construction of affordable units.

II. Administrative Mechanisms for Collecting and Distributing Revenues

The Borough's Development Fee Ordinance is recorded in Chapter 17, Subsection 5.26 of Sea Girt's Revised General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

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

Per stipulations in the Development Fee Ordinance the account and the record of distribution of funds is maintained by the Borough's Chief Financial Officer.

III. Anticipated Use of Development Fees

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

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

(A) Affordability Assistance Requirement

The Borough anticipates dedicating \$880,000.00 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

Projected development fees plus interest, 2025-2035	\$ 2,750,00.00
PROJECTED TOTAL	\$ 2,750,00.00
Projected minimum affordability assistance requirement (30%)	\$ 825,000.00
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 275,000.00

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.

(B) Administrative Expenses

Sea Girt Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with N.J.A.C. 5:93-8.16, the Borough can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

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

Table 2. Maximum Administrative Expenditures

Projected development fees plus interest, 2025-2035	\$ 2,750,00.00
PROJECTED TOTAL	\$ 2,750,00.00
Projected maximum administrative expenditures (20%)	\$ 550,000.00

IV. 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.

V. Implementation in the Event of Unexpected Shortfalls

The Borough of Sea Girt will commit to funding any shortfall of revenue needed to implement the Housing Element and Fair Share Plan as outlined above. Shortfalls will be addressed as need arises. The Borough will fill gaps in funding through municipal bond. Any excess funds shall be put toward additional affordability assistance measures.

VI. In Sum

Sea Girt has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$0 as of January 1, 2025 and anticipates an additional \$2,750,00.00 in revenues, including interest, by December 31, 2035 for a total of \$2,750,00.00. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$1,320,000 which the Borough will reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.

Table 3: Housing Trust Fund Borough of Sea Girt, New Jersey														
Projected Revenues for 2025-2035														
Funding Source	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total		
AHTF Balance as of 1/1/2025	\$ -											\$ -		
Projected Development Fees	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 2,750,000.00		
Pmts in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Total	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 2,750,000.00		
Projected Expenditures for 2025-2035														
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total		
Rehabilitation Program												\$ -		
Affordability Assistance	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 880,000.00		
Administrative Costs	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 550,000.00		
												\$ -		
Total	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	\$ 1,430,000.00		
Projected Balance available for Future Projects and Programs												\$ 1,320,000.00		

Appendix C. Mandatory Set-Aside Ordinance (MSO)

§ 17-5.26.1. Mandatory Affordable Housing Set-Aside Ordinance. [Added 3-13-2024 by Ord. No. 02-2024]

- a. Background. This subsection is required by the implementation of the Settlement Agreement with Fair Share Housing Center in the matter captioned In the Matter of the Application of the Borough of Sea Girt, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. L-2312-2020.
- b. Affordable Housing Set-Aside. A mandatory 20% on-site affordable housing set-aside requirement shall apply beginning with the effective date of this subsection¹ to any residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units at six units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment adopted after the effective date of this subsection; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan.
- c. Other Terms Applicable. The following terms shall apply to any residential development subject to the mandatory affordable housing set-aside:
 1. All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.
 2. No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
 3. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. For inclusionary projects, the developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5. The payment in lieu shall be based on the amounts established in N.J.A.C. 5:97-6.4(c).
 4. All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that at least 13% of the affordable units shall be required to be restricted for very-low-income households earning 30% or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA").
 5. At least 50% of the affordable units within each bedroom distribution shall be affordable to low-income households, inclusive of the at least 13% of units affordable to very-low-income households.
 6. The very-low-income affordable units shall be proportionately distributed within each

1. Editor's Note: This subsection was adopted March 13, 2024, by Ord. No. 02-2024.

- bedroom distribution. In a family non-age-restricted development, at no time shall the number of efficiency/one-bedroom very-low-income units exceed the number of three-bedroom very-low-income units.
7. Affordable units shall be integrated with the market-rate units on-site, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
 8. Affordable units shall be subject to affordability controls of at least 30 years from the date of initial occupancy and affordable deed restrictions as otherwise provided for by UHAC, with the sole exception that very low income shall be defined as at or below 30% of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the municipality, in its sole discretion, takes action to extend or release the unit from such controls after at least 30 years. In the event the municipality chooses to release the controls on rental affordable units after at least 30, the controls shall remain in effect until the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).
 9. Construction of the affordable and market units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
 10. Affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
 11. The mandatory affordable housing set-aside shall not give any developer the right to any rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.
 12. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in paragraph 3, above.
 13. Nothing in this subsection precludes the Borough of Sea Girt from imposing an affordable housing set-aside in accordance with applicable law in a development not required to have a set-aside pursuant to this subsection in accordance with N.J.S.A. 52:27D-311(h) and applicable law.

Appendix D. Affordable Housing Zoning District

**ORDINANCE NO. 15 -2021
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

COUNTY OF MONMOUTH, STATE OF NEW JERSEY AN ORDINANCE AMENDING CHAPTER 17, “ZONING”, SECTION 17-3.1 “ZONING DISTRICTS”, SECTION 17-3.3, “DESCRIPTION OF ZONING DISTRICTS” AND SECTION 17-4.1 “SCHEDULE OF LIMITATIONS”, OF THE CODE OF THE BOROUGH OF SEA GIRT BY CREATING A NEW ZONING DISTRICT ENTITLED AFFORDABLE HOUSING ZONING DISTRICT (AH-1)

WHEREAS, the Borough was the subject of a Mount Laurel exclusionary zoning suit filed in the Superior Court of New Jersey entitled 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, (the plaintiffs shall be collectively referred to as the “Developer”), Docket No. MON-L-000102-20, seeking to compel the Borough to provide a realistic opportunity for the construction of housing affordable to low and moderate-income households and their fair share of the housing region’s need for such housing, (“Builder’s Remedy Action”); and

WHEREAS, the Developer is the owner of identified as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 (the “Properties”); and

WHEREAS, the Borough and the Borough Planning Board entered into a Settlement Agreement with the Developer in the Builder’s Remedy Action allowing the Properties to be collectively developed with a total of 19 units, of which 3 units will be deed restricted as affordable housing available to very low, low and moderate-income households in conformance with the specific terms of the Settlement Agreement; and

WHEREAS, the Court conducted a Fairness Hearing on June 3, 2021 and as a result of the hearing, it preliminarily approved the Settlement Agreement finding it fair, reasonable and adequately protecting the interests of very low, low and moderate-income households in the region; and

WHEREAS, the court’s approval of the Settlement Agreement requires the Borough to rezone the Properties to allow for a 19-unit family rental project including 3 affordable housing units available to very low, low and moderate-income households in order to assist the Borough in meeting its obligation to create a realistic opportunity to provide for the Borough’s fair share of affordable housing; and

WHEREAS, this Ordinance shall set forth the zoning regulations and bulk standard requirements for all development within the newly created AH-1 Zone; and

WHEREAS, the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey finds it is in the best interest of the Borough to comply with the Court’s Order and implement the terms and conditions of the Settlement creating the Affordable Housing Zoning District (AH-1).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that Chapter 17, Sections 17-3.1, 17-3.3 and Section 17-4.1 shall be amended to include a new Section entitled Affordable Housing Zone (AF-1), which shall regulate development through the following zoning regulations and bulk standards. (additions are underlined)

Section 1.

Section 3.1 Zoning Districts shall be amended as follows:

1E	1 East	Single Family
1W	1 West	Single Family
2E	2 East	Convenience Commercial
2W	2 West	Convenience Commercial
3	3	Beach
4	4	Recreational Open Space
5	5	Affordable Housing

Section 2.

Section 3.3 Description of Districts shall be amended to include a new subsection (g) as follows:

a-f No changes

g. District 5-The properties designated as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 on the Borough of Sea Girt's tax map.

Section 3.

Section 17-4.1 Schedule of Limitations shall be amended to include a new zoning District entitled Affordable Housing (AH-1) as follows:

AFFORDABLE HOUSING ZONEA. Purpose

The purpose of the Affordable Housing Zone is to provide a realistic opportunity for very low, low and moderate- income housing within an inclusionary development. The creation of the Affordable Housing Zone is in furtherance of the Borough's Settlement Agreement in the matter captioned 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-000102-20 The zone appears on the zoning map impacting Block 76, Lots 1 and 2; and Block 77, Lots 16 and 17.

Pursuant to the settlement agreement, the Affordable Housing Zone permits: 10 apartment units on Block 77, Lots 16 and 17; and nine apartment units, of which 3 will be available to low, very low and moderate-income households, and one retail use on Block 76, Lots 1 and 2. The settlement agreement includes a concept plan that is the basis of this ordinance.

B. Permitted Principal Uses:

1. Apartment units on all floors
2. Mixed-Use buildings that include commercial or office space on the first floor and housing on the second and third floors. A mixed use building may also include housing on the first floor.

C. Permitted Accessory Uses: Uses that are customary and incidental to multi-family housing, including, but not limited to:

1. Parking
2. Garages
3. Club rooms
4. Fitness facility
5. Satellite Dish
6. Signs
7. Fences
8. Trash Enclosure
9. Temporary construction trailers
10. Utility pump stations, transformers, switches and meter facilities to support the development
11. Management and/or leasing office
12. HVAC units
13. Generators

D. Bulk regulations: Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard.

1. <u>Minimum Lot frontage along front yard. (Feet)</u>	<u>95</u>
2. <u>Minimum Lot Frontage Along Side Yard (Feet)</u>	<u>145</u>
3. <u>Minimum Front Yard Setback – (Feet)</u>	<u>10</u>
4. <u>Minimum Side Yard Setback from Fifth Avenue – (Feet)</u>	<u>10</u>
5. <u>Minimum Side yard from other property line (Feet)</u>	<u>0 on north side of Washington Avenue and 10 feet on the south side of Washington Avenue</u>
6. <u>Minimum Rear Yard Setback (Feet)</u>	<u>40</u>
7. <u>Maximum Height (Stories/Feet)</u>	<u>3/45</u>
8. <u>Maximum Building Coverage (Percent)</u>	<u>40</u>
9. <u>Maximum Improved Lot Coverage (Percent)</u>	<u>85</u>

E. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of 5' from the front yard property line and 5' on the side yard property line.

F. Area, Yard and Bulk Requirements for Accessory Structures (including parking) & Uses. Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard. No accessory structures shall be permitted in the front yard set-back.

1. <u>Minimum Side Yard Set-back from Fifth Avenue (Feet)</u>	<u>5</u>
2. <u>Minimum Side Yard from western property line (Feet)</u>	<u>2</u>
3. <u>Minimum Rear Yard Setback (Feet)</u>	<u>3</u>
4. <u>Minimum Distance Between Accessory</u>	

- and Principal Structures (Feet) 0
5. Maximum Height (Stories/Feet) 1/15
- G. Parking
1. Commercial uses - 0 spaces
 2. Residential uses - 1.7 spaces
- H. Notwithstanding the set-back requirements for other accessory uses, fencing is permitted along the rear yard or the western side yard property line. Such fencing may be up to six feet in height and be of solid construction. Fencing may be provided in lieu of landscaping.
- I. Signage.
1. One monument sign with a maximum area of 30 square feet may be provided along Washington Boulevard if set-back five feet from the property line.
 2. Numbers indicating the addresses of the multi-family residential buildings are permitted to be mounted on the building facade, not to exceed 8 square feet and not to protrude more than 6 inches from the building's surface.
- J. Deviations from Concept Plan. Development in the Affordable Housing Zone shall generally conform to the Concept Plan, dated December 4, 2020, prepared by Dynamic Engineering. However, it is the intent that the applicant can make reasonable refinements to the Concept Plan and that the Board shall approve those refinements even if such refinement requires a "c" variance.
- K. Affordable Housing – Fifteen (15) percent of all the housing units shall be affordable to very low, low and moderate-income households. The affordable units within the inclusionary development shall be constructed pursuant to the phasing schedule at N.J.A.C. 5:93-5.6(d).
- a. The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation. Similarly, the monitoring, advertisement, tenant eligibility requirements, and deed restrictions shall comply with the UHAC regulations.
 - b. A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.
 - c. A minimum of 13% of all affordable units will be affordable to very-low income households, defined as households earning no more than 30 percent of median income.
- L. Conflicting Standards and Exemptions – The standards set forth in the AH-1 Zone shall supersede any conflicting standards elsewhere in the Land Development Ordinance. It is recognized that the subject properties are relatively flat; and therefore, any Borough land regulation related to slope shall not apply to the Affordable Housing Zone. No municipal standard regulating tree removal or tree replacement shall apply in the Affordable Housing Zone.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Sea Girt or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: July 14, 2021

DATE ADOPTED: August 11, 2021

APPROVED:

Donald Fetzer

Council President Fetzer

ATTEST:

Dawn Harriman

Dawn Harriman, Municipal Clerk

Date: August 12, 2021

=====

I, DAWN HARRIMAN, Clerk of the Borough of Sea Girt, do hereby *certify* the above to be a true and exact copy of the Ordinance adopted after a public hearing thereon held on the 11th day of August, 2021.

Dawn Harriman

DAWN HARRIMAN, RMC
Municipal Clerk

Appendix E. Mixed Use Overlay Ordinance

§ 17-5.26.2. Affordable Housing Overlay Zone (AH-3) In The Borough's Commercial District. [Added 3-13-2024 by Ord. No. 04-2024]

- a. Purpose. The purpose of this subsection is to establish an Affordable Housing Overlay Zoning Ordinance that imposes an overlay zone over specific areas of the Borough. Given the built-out nature of the Borough, an effective affordable housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This subsection will ensure that residential affordable housing developments accompany major development on tax lots included in the overlay zone. The specific areas included are the portions of the Borough that is able to realistically accommodate affordable housing development, which are in proximity to public transit and the Borough's main mixed-use commercial thoroughfares.
 1. The subsection includes parcels fronting Washington Street for both the 2 East and 2 West Zoning Districts as delineated in the Settlement Agreement with Fair Share Housing Center. The list of specific tax lots are identified as follows:
 - (a) Block 76 Lot 1; Block 76 Lot 2; Block 76 Lot 3; Block 76 Lot 4; Block 76 Lot 6; Block 76 Lot 7; Block 76 Lot 8; Block 76 Lot 9; Block 76 Lot 10; Block 77 Lot 4; Block 77 Lot 5; Block 77 Lot 6; Block 77 Lot 7.01; Block 77 Lot 7.02; Block 77 Lot 7.03; Block 77 Lot 7.04; Block 77 Lot 7.05; Block 77 Lot 7.06; Block 77 Lot 7.07; Block 77 Lot 7.08; Block 77 Lot 7.09; Block 77 Lot 7.10; Block 77 Lot 7.11; Block 77 Lot 7.12; Block 77 Lot 7.13; Block 77 Lot 7.14; Block 77 Lot 7.15; Block 77 Lot 7.16; Block 77 Lot 7.17; Block 77 Lot 7.18; Block 77 Lot 7.19; Block 77 Lot 7.20; Block 77 Lot 8; Block 77 Lot 9; Block 77 Lot 10; Block 77 Lot 11; Block 77 Lot 12; Block 77 Lot 13; Block 77 Lot 14; Block 77 Lot 15; Block 77 Lot 16; Block 77 Lot 17; Block 92 Lot 1; Block 92 Lot 2; Block 92 Lot 3; Block 105 Lot 1; Block 105 Lot 20; Block 105 Lot 21; Block 105 Lot 22.
 2. The affordable housing overlay zone will regulate said developments through bulk and design standards. However, the Borough's underlying zoning will still be in effect. This will allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing ("COAH") prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Third-Round affordable housing obligation.
- b. Affordable Housing Overlay Zoning Provisions.
 1. Purpose. The purpose of the Affordable Housing Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act, and the Housing Element and Fair Share Plan of Sea Girt. Permitted and conditional uses within the designated Overlay Zone shall include all permitted and conditional uses in the underlying zoning district in which the Overlay Zone is located and allow for affordable housing development within the provisions of this subsection.

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2. Affordable Housing Overlay Zone. Tax lots with frontage on Washington Street within the Borough of Sea Girt shall be included in the overlay zone and allow for affordable housing development with no affect to any existing zoning district regulations or standards. A map is attached to this subsection that delineates the overlay zone.¹
3. Principal Permitted Uses.
 - (a) All uses permitted within the underlying zoning district in which the overlay zone is located.
 - (b) Affordable housing development as defined in subsection 17-5.26.4.3 of the Affordable Housing Ordinance of the Borough Code as for sale or rental housing which may include the following uses:
 - (1) Mixed Use Buildings that include commercial, restaurant, retail or office space on the ground floor and residential development on the second and third floors.
 - (c) Permitted Accessory Uses. Uses that are customary and incidental to multi-family housing, including, but not limited to:
 - (1) Parking.
 - (2) Garages.
 - (3) Signs.
 - (4) Fences.
 - (5) Trash Enclosure.
 - (6) Temporary construction trailers.
 - (7) Utility pump stations, transformers, switches and meter facilities to support the development.
 - (8) HVAC units.
 - (9) Generators.
 - (d) Bulk Regulations. Pursuant to this subsection for purposes of this subsection, Seventh Avenue (Route 71) shall be considered the front yard and any intersecting street shall be considered the side yard.
 - (1) Minimum Lot Frontage (feet): 50.
 - (2) Minimum Lot Depth (feet): 150.
 - (3) Minimum Front Yard Setback (feet): 10.
 - (4) Minimum Side Yard Setback: six.

1. Editor's Note: The map is on file in the Borough offices.

- (5) Minimum Rear Yard Setback (feet): 20.
- (6) Maximum Height (stories/feet): 3/45.
- (7) Maximum Building Coverage (percent): 40%.
- (8) Maximum Improved Lot Coverage (percent): 85%.
- (e) Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of five feet from all property lines.
- (f) All property lines abutting a residential use shall provide a ten-foot landscaped buffer. Said buffer shall not be in addition to the required setback.
- (g) Area, Yard and Bulk Requirements for Accessory Structures (including parking) and Uses. Pursuant to this subsection, Washington Boulevard is the front yard and Fifth Avenue is a side yard. No accessory structures shall be permitted in the front yard set-back.
- (h)
 - (1) Minimum Side Yard Set-back (feet): three.
 - (2) Minimum Rear Yard Setback (feet): five.
 - (3) Minimum Distance Between Accessory and Principal Structures (feet): zero.
 - (4) Maximum Height (stories/feet): 1/15.
- (i) Parking.
 - (1) Commercial uses - zero spaces.
 - (2) Residential uses - 1.7 spaces.
- 4. Affordable Housing Requirement. A 20% set-aside with a minimum of one unit. All affordable housing developments shall conform to the standards found in the Borough of Sea Girt's Affordable Housing Ordinance including provisions for affordability, very-low-income units, and UHAC standards.

§ 17-5.26.3. Affordable Housing Overlay Zone (AH-3) on Certain Parcels Along Route 71. [Added 3-13-2024 by Ord. No. 03-2024]

- a. Purpose. The purpose of this subsection is to establish an Affordable Housing Overlay Zoning Ordinance that places an overlay zone over specific areas of the Borough. Given the built-out nature of the Borough, an effective affordable housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This subsection would ensure that residential affordable housing developments accompany major development on tax lots included in the overlay zone. The specific areas included are the portions of the Borough that can realistically accommodate affordable housing development, which are in proximity to public transit and the Borough's

main mixed-use commercial thoroughfares.

1. The subsection includes scattered parcels located along Route 71 also known as 7th Avenue in the Borough of Sea Girt. This zoning district will include the following blocks and lots:
 - (a) Block 104, Lot 23.
 - (b) Block 101, Lot 1.
 - (c) Block 100, Lots 1 and 14.
 - (d) Block 99, Lot 1.
2. The affordable housing overlay zone will regulate developments on these identified parcels through bulk and design standards. However, the Borough's underlying zoning will still be in effect. This will allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing ("COAH") prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Third-Round affordable housing obligation.

b. Affordable Housing Overlay Zoning Provisions.

1. Purpose. The purpose of the Affordable Housing Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act, and the Housing Element and Fair Share Plan of Sea Girt. Permitted and conditional uses within the designated Overlay Zone shall include all permitted and conditional uses in the underlying zoning district in which the Overlay Zone is located and allow for affordable housing development within the provisions of this subsection.
2. Affordable Housing Overlay 2 Zone:
 - (a) Block 104, Lot 23.
Block 101, Lot 1.
Block 100, Lots 1 and 14.
Block 99, Lot 1.
 - (b) A map is attached to this subsection that delineates the overlay zone.²
3. Principal Permitted Uses.
 - (a) All uses permitted within the underlying zoning district in which the overlay zone

2. Editor's Note: The map is on file in the Borough offices.

is located.

- (b) Affordable housing development for sale or rental housing may include the following uses:
 - (1) Mixed Use Buildings that include commercial, restaurant, retail or office space on the ground floor and residential development on the second and third floors.
- (c) Permitted Accessory Uses. Uses that are customary and incidental to multi-family housing, including, but not limited to:
 - (1) Parking.
 - (2) Garages.
 - (3) Signs.
 - (4) Fences.
 - (5) Trash Enclosure.
 - (6) Temporary construction trailers.
 - (7) Utility pump stations, transformers, switches and meter facilities to support the development.
 - (8) HVAC units.
 - (9) Generators.
- (d) Bulk Regulations. Pursuant to this subsection for purposes of this subsection, Seventh Avenue (Route 71) shall be considered the front yard and any intersecting street shall be considered the side yard.
 - (1) Minimum Lot Frontage along Route 71 (feet): 50.
 - (2) Minimum Lot Frontage along intersecting side street: 150.
 - (3) Minimum Front Yard Setback (feet): 10.
 - (4) Minimum Side Yard Setback: 10.
 - (5) Minimum Rear Yard Setback (feet): 20.
 - (6) Maximum Height (stories/feet): 3/45.
 - (7) Maximum Building Coverage (percent): 40%.
 - (8) Maximum Improved Lot Coverage (percent): 85%.
- (e) Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of five feet from all property lines.

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- (f) All property lines abutting a residential use shall provide a ten-foot landscaped buffer. Said buffer shall not be in addition to the required setback.
- (g) Area, Yard and Bulk Requirements for Accessory Structures (including parking) and Uses. Pursuant to this subsection, Washington Boulevard is the front yard and Fifth Avenue is a side yard. No accessory structures shall be permitted in the front yard set-back.
 - (1) Minimum Side Yard Set-back (feet): three.
 - (2) Minimum Rear Yard Setback (feet): five.
 - (3) Minimum Distance Between Accessory and Principal Structures (feet): zero.
 - (4) Maximum Height (Stories/feet): 1/15.
- (h) Parking.
 - (1) Commercial uses - one space for every 600 square feet of gross floor area.
 - (2) Residential uses - 1.7 spaces.
- 4. Affordable housing requirements. A 20% set-aside with a minimum of one unit. All affordable housing developments shall conform to the standards found in the Borough of Sea Girt's Affordable Housing Ordinance including provisions for affordability, very-low-income units, and UHAC standards.

Appendix F. Affordable Housing and Development Fee Ordinance

§ 17-5.26. Affordable Housing.¹**§ 17-5.26.4. Affordable Housing - Fair Share Plan. [Added 3-13-2024 by Ord. No. 05-2024]****§ 17-5.26.4.1. Title. [Added 3-13-2024 by Ord. No. 05-2024]**

This subsection shall be known and may be cited as the "Affordable Housing Ordinance of the Borough of Sea Girt".

§ 17-5.26.4.2. Affordable Housing Obligation. [Added 3-13-2024 by Ord. No. 05-2024]

- a. This subsection is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This subsection shall apply except where inconsistent with applicable law.
- b. The Borough of Sea Girt Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the Governing Body. The Fair Share Plan describes how Sea Girt Borough shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center (FSHC).
- c. This subsection implements the Borough's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement.
- d. The Borough of Sea Girt shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Borough Hall located on 556 Tinton Avenue, Sea Girt, NJ 07724.

§ 17-5.26.4.3. Definitions. [Added 3-13-2024 by Ord. No. 05-2024]

The following terms when used in this subsection shall have the meanings given in this subsection:

ACCESSORY APARTMENT — Means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

ACT — Means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE — Means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — Means the entity responsible for the administration of affordable units in accordance with this subsection, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C.

1. [Prior § 17-5.26 Schools, Churches and Houses of Worship was repealed by Ord. No. 19-2018, history includes Ord. No. 17-2018.]

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5:80-26.1 et seq.

AFFIRMATIVE MARKETING — Means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — Means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — Means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT — Means a housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT — Means 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 development.

AFFORDABLE HOUSING PROGRAM(S) — Means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT — Means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT — Means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: (1) all the residents of the development where the unit is situated are 62 years or older; or (2) at least 80% of the units are occupied by one person that is 55 years or older; or (3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY — Means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

ASSISTED LIVING RESIDENCE — Means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD — Means a household that has been certified by an Administrative Agent as a low- income household or moderate-income household.

DCA — Means the State of New Jersey Department of Community Affairs.

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

DEVELOPER — Means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

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

INCLUSIONARY DEVELOPMENT — Means a development containing both affordable units and market rate units. Inclusionary developments must have a 20% set aside of affordable units if the development has five or more units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — Means a household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — Means a restricted unit that is affordable to a low-income household.

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

MARKET-RATE UNITS — Means housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — Means the median income by household size for the applicable county, as adopted annually by the Department.

MODERATE-INCOME HOUSEHOLD — Means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — Means a restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE — Means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS — Means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT — Means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined

by the Department's adopted Regional Income Limits published annually by the Department.

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

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

RESTRICTED UNIT — Means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

THE DEPARTMENT — Means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

UHAC — Means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — Means a household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — Means a restricted unit that is affordable to a very-low-income household.

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

§ 17-5.26.4.4. Affordable Housing Programs. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Minimum Percentage of Low- and Moderate-Income Units Completed	Maximum Percentage of Market-Rate Units Completed
0%	25%
10%	25% + 1 Unit
75%	75%
100%	90%

- b. Fractional Units. If 20% of the total number of units in a development result in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

Example: an eight-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.

- c. Design. In inclusionary developments, to the extent possible, low- and moderate-income

units shall be integrated with the market units.

- d. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§ 17-5.26.4.5. New Construction. [Added 3-13-2024 by Ord. No. 05-2024]

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units including that 13% shall be very low income. If there is only one affordable unit it must be a low-income unit.
3. Thirteen percent of all affordable units in the Borough within each bedroom distribution shall be designated as very-low-income households at 30% of the median income, with at least 50% of all very-low-income units being available to families. If an inclusionary development proposes less than 10 total units, a payment in lieu of a very-low-income unit shall be deposited into the Borough's Affordable Housing Trust Fund based on the difference in cost between providing a very-low-income unit and the region's affordability average. Inclusionary developments of 10 or more total units shall be required to provide a minimum of one very-low-income unit. Very-low-income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this subsection.
4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

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b. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough of Sea Girt has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the builder of restricted units shall deposit funds within the Borough's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph (2) above shall be used by the Borough of Sea Girt for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund where the funds shall be deposited into the affordable

housing trust fund and appropriately earmarked.

- (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

c. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one- and one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one- and one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
 11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 17-5.26.4.6. Affirmative Marketing Requirements. [Added 3-13-2024 by Ord. No. 05-2024]

- a. The Borough of Sea Girt shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also

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intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and covers the period of deed restriction.

- c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- d. The Administrative Agent designated by the Borough of Sea Girt shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- e. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- f. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- g. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough.

§ 17-5.26.4.7. Occupancy Standards. [Added 3-13-2024 by Ord. No. 05-2024]

- a. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Provide separate bedrooms for parents and children; and
 - 4. Prevent more than two persons from occupying a single bedroom.
- b. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§ 17-5.26.4.8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this subsection until the Borough of Sea Girt elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

- c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- d. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this subsection, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- e. The affordability controls set forth in this subsection shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 17-5.26.4.9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices. [Added 3-13-2024 by Ord. No. 05-2024]

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- c. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 17-5.26.4.10. Buyer Income Eligibility. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

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- b. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 17-5.26.4.11. Limitations on Indebtedness Secured by Ownership Unit; Subordination. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- b. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 17-5.26.4.12. Control Periods for Restricted Rental Units. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this subsection until the Borough of Sea Girt elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very- low-, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- c. A restricted rental unit shall remain subject to the affordability controls of this subsection, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure.

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§ 17-5.26.4.13. Price Restrictions for Rental Units; Leases. [Added 3-13-2024 by Ord. No. 05-2024]

- a. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- c. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this subsection.

§ 17-5.26.4.14. Tenant Income Eligibility. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 1. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such

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as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in b1 through b5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 17-5.26.4.15. Administration. [Added 3-13-2024 by Ord. No. 05-2024]

- a. The position of Municipal Housing Liaison (MHL) for the Borough of Sea Girt is established by this subsection. The Borough shall make the actual appointment of the MHL by means of a resolution.
 - 1. The MHL must be either a full-time or part-time employee of Sea Girt.
 - 2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
 - 3. The MHL must meet all the requirements for qualifications, including initial and periodic training.
 - 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Sea Girt, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) The implementation of the Affirmative Marketing Plan and affordability controls.
 - (c) When applicable, supervising any contracting Administrative Agent.
 - (d) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required;
 - (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - (g) 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).
- b. The Borough of Sea Girt shall designate by resolution of the Borough Council, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC.
- c. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

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- d. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. 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);
 2. Affirmative Marketing;
 3. Household Certification;
 4. Affordability Controls;
 5. Records retention;
 6. Resale and re-rental;
 7. Processing requests from unit owners; and
 8. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 9. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 17-5.26.4.16. Enforcement of Affordable Housing Regulations. [Added 3-13-2024 by Ord. No. 05-2024]

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a

continuing offense;

- (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Sea Girt Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- c. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- d. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- e. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

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- f. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- g. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- h. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 17-5.26.4.17. Appeals. [Added 3-13-2024 by Ord. No. 05-2024]

Appeals from all decisions of an Administrative Agent designated pursuant to this subsection shall be filed with the Superior Court of New Jersey, Monmouth County.

§ 17-5.26.5. Affordable Housing Development Fees. [Added 3-13-2024 by Ord. No. 06-2024; amended in entirety 9-10-2024 by Ord. No. 25-2024]

§ 17-5.26.5.1. Affordable Housing Development Fees, Purpose. [Amended 9-10-2024 by Ord. No. 25-2024]

- 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 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- 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 8.7), COAH is 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 are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH or court approved spending plan may retain fees collected from non-residential development.
- c. In *Re: Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025, are under the

Court's jurisdiction and are subject to approval by the Court.

- d. This subsection establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing very low-, low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 17-5.26.5.2. Definitions. [Amended 9-10-2024 by Ord. No. 25-2024]

As used in this Chapter of the Borough Code of the Borough of Sea Girt, the following terms shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — Shall mean 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 development.

COAH or THE COUNCIL — Shall mean the New Jersey Council on Affordable Housing established under the Act, which J:1. as had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPMENT FEE — Shall mean money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:978.3. "Developer" shall mean 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.

EQUALIZED ASSESSED VALUE — Shall mean 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 N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES — Shall mean 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.

§ 17-5.26.5.3. Basic Requirements. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. This chapter shall not be effective until approved by the Court.
- b. The Borough of Sea Girt shall not spend development fees until the Court has approved a Spending Plan.

§ 17-5.26.5.4. Residential Development Fees. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. Imposed Fees.
 1. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of on 1.5% of the equalized

assessed value for residential development provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- b. Eligible exactions, ineligible exactions and exemptions for residential development.
1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of onsite construction of affordable units if permitted by ordinance shall be exempt from development fees.
 2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 3. Owner occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
 4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or when the square footage is increased by the creation of a new bedroom. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 5. Nonprofit organizations that construct residential projects which have received tax exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
 6. Federal, state, county and local governments shall be exempted from paying a development fee.

§ 17-5.26.5.5. Non-Residential Development Fees. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. Imposed Fees.
1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential

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construction on an unimproved lot or lots.

2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b. Eligible exactions, ineligible exactions and exemptions for non-residential development.
1. The non-residential portion of a mixed use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
 2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 3. Federal, state, county and local governments shall be exempted from paying a non-residential development fee.
 4. Non-residential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form NRDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 5. A developer of a non-residential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 6. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Sea Girt as a lien against the real property of the owner.

§ 17-5.26.5.6. Collection Procedures. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the

applicable approving authority shall direct its staff to notify the construction official or Zoning Officer responsible for the issuance of a building permit.

- b. For non-residential developments only, the developer shall also be provided with a copy of Form NRDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form NRDF 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 NRDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form NRDF.
- c. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection of property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should Sea Girt fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D 8.6).
- h. 100% of the development fee shall be collected at the issuance of the certificate of occupancy.

§ 17-5.26.5.7. Appeal of Development Fees. [Amended 9-10-2024 by Ord. No. 25-2024]

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

Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 17-5.26.5.8. Affordable Housing Trust Fund. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. There is hereby created a separate, interest-bearing affordable housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguishing 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 onsite construction of affordable units if permitted by ordinance.
 2. Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached 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 Girt's affordable housing program.
- c. In the event of a failure by Sea Girt 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) (aft.'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 Sea Girt, 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 non-compliant 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. All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities approved by the Superior Court.

§ 17-5.26.5.9. Use of Funds. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. The expenditure of all funds shall conform to a spending plan approved by the Superior Court. Funds deposited in the affordable housing trust fund may be used for any activity approved by the Superior Court to address Sea Girt'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, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse Sea Girt for past housing activities.
- c. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. 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 median income by region.
 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.
 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.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. Sea Girt may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e. No more than 20% of all revenues collected from development fees and interest, may be expended 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, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development

fees and interest shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 17-5.26.5.10. Monitoring. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. Sea Girt shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, 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 COAH, the Special Master or FSHC. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Sea Girt's housing program, as well as the expenditure of revenues and implementation of the plan approved by the Court.

§ 17-5.26.5.11. Ongoing collection of fees. [Amended 9-10-2024 by Ord. No. 25-2024]

- a. The ability for Sea Girt to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose. If Sea Girt fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c. 222 (C. 52:27D-320). Sea Girt 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 and Repose, nor shall Sea Girt retroactively impose a development fee on such a development. Sea Girt shall not expend development fees after the expiration of its Judgment of Compliance and Repose.