

# Housing Plan Element and Fair Share Plan

***Prepared for:***

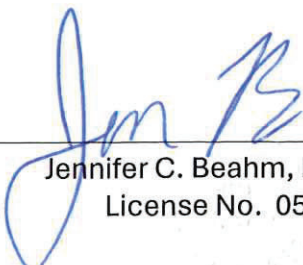
**The Borough of Spring Lake  
Monmouth County, New Jersey**

**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 Spring Lake, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. In 2024, the Region 4 median income for a four-person household is \$130,054, the moderate-income limit is \$104,0431, the low-income limit is \$65,027, and the very-low-income limit is \$39,016.

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

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

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing; and
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.



## **MUNICIPAL SUMMARY**

Spring Lake is an elegant, picturesque seaside community located along the Atlantic Ocean in southeastern Monmouth County, New Jersey. Covering just 1.3 square miles, Spring Lake is known for its scenic beauty, well-maintained historic charm, and residential appeal. Originally developed in the late 19th century as a summer resort town, the area's accessibility improved with the expansion of the North Jersey Coast Rail Line, which includes stops in Spring Lake, as well as nearby Manasquan and Belmar. This made the borough more accessible to year-round residents while preserving its vacation-town atmosphere.

Today, Spring Lake boasts a mix of stately homes, quaint shops, and recreational amenities, including a beautiful beach, a boardwalk, and picturesque parks. The Borough's commercial area is primarily located along Third Avenue in the center of Spring Lake, as well as a small commercial pocket near the Train Station in the western portion of town. The remainder of the Borough consists primarily of single-family residences. Spring Lake is bordered by the Atlantic Ocean to the east, Spring Lake Heights to the west, the Boroughs of Belmar and Lake Como across Lake Como to the north, Wall Township to the northwest, and the Borough of Sea Girt to the south.

The current year-round population of Spring Lake is estimated at 2,782 (ACS 2023 5-year data), swelling substantially in the summer months. Spring Lake has a population density of 10,700 persons per square mile. The Township grew older by 7.1 years between 2010 and 2023, with a current median age of 61.4 years of age. Spring Lake's 2023 median household income estimate of \$146,976 was higher than that of the county (\$99,733) and the State (\$82,545).

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

## DEMOGRAPHIC CHARACTERISTICS

### Population

In 2023, the Borough of Spring Lake had a total population of 2,782. This number represented a decrease of 140 individuals or -4.79% percent since 2020, when the total population was 2,922 individuals. The Borough of Spring Lake's population peaked in 1980 at 4,215 residents. Since that time, the general population trend within the Borough has been declining between 1980 and 2023. The total population pattern for both Spring Lake, Monmouth County, and the State of New Jersey is detailed below.

**TABLE 1: POPULATION TRENDS, 1930-2023**

Year	Spring Lake			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	1,745	-	-	147,209	-	-	4,041,334	-	-
1940	1,650	-95	-5.44%	161,238	14,209	9.50%	4,160,165	118,831	2.94%
1950	2,008	358	21.70%	225,327	64,089	39.70%	4,835,329	675,164	16.22%
1960	2,922	914	45.52%	334,401	109,074	48.40%	6,066,782	1,231,453	25.46%
1970	3,896	974	33.33%	461,849	127,448	38.10%	7,171,112	1,104,330	18.20%
1980	4,215	319	8.19%	503,173	41,324	8.90%	7,365,011	463,899	6.46%
1990	3,499	-716	-16.99%	553,124	49,951	9.90%	7,730,188	365,177	4.95%
2000	3,567	68	1.94%	615,331	62,207	11.24%	8,414,350	684,162	8.85%
2010	3,092	-475	-13.32%	628,112	12,811	2.0%	8,721,577	307,227	3.6%
2020*	2,922	-170	-5.50%	620,821	-7,291	1.2%	8,885,418	163,841	1.9%
2023*	2,782	-140	-4.79%	643,615	22,794	3.67%	9,267,014	381,596	4.29%
2050^	3,066	284	10.2%	669,624	48,559	0.0%	-	-	-

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

\*U.S. Census Bureau, 2020, 2023 ACS 5-Year Estimates (table B01003)

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

### Population Composition by Age

The age composition of Spring Lake has shifted noticeably since 2010. According to the American Community Survey 5-Year Estimates, 2023, significant changes occurred in many age groups. The number of children under the age of 18 have decreased significantly while the number of adults over the age of 60 have increased significantly over this time period. The greatest percentage increases occurred in the 65 to 74 years age cohort, which increased by 28.9 percent, and the 60 to 64 years age cohort which grew by 25.9 percent over the same timeframe.

**TABLE 2: POPULATION BY AGE COHORT, SPRING LAKE, 2010-2023**

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	3,092	100.0%	2,782	100%	-10.0%
Under 5 years	207	6.7%	89	3.2%	-57.0%
5 to 9 years	133	4.3%	83	2.9%	-37.5%
10 to 14 years	197	6.4%	85	3.0%	-56.8%
15 to 19 years	194	6.3%	83	2.9%	-57.2%
20 to 24 years	95	3.1%	73	2.6%	-23.2%
25 to 34 years	112	3.6%	114	4.1%	1.8%
35 to 44 years	264	8.5%	138	4.9%	-47.7%
45 to 54 years	358	11.6%	424	15.2%	-18.4%
55 to 59 years	280	9.1%	229	8.2%	-18.2%
60 to 64 years	278	9.0%	350	12.6%	25.9%
65 to 74 years	529	17.1%	682	24.5%	28.9%
75 to 84 years	322	10.4%	354	12.7%	9.9%
85 years and over	123	4.0%	78	2.8%	-36.6%
U.S. Census Bureau, American Community Survey 2010, 2023, 5- Year Estimates (table DP-05)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in children under the age of 18. The 20 to 24-year-old and 55 and over age cohorts experienced population increases between 2010 and 2023, with the largest increases in the older age cohorts, suggesting that the County, like the Borough, 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	630,380	100.0%	643,615	100.0%	2.5%
Under 5 years	34,755	5.5%	32,114	4.9%	-11.05%
5 to 9 years	41,128	6.5%	37,390	5.8%	-13.9%
10 to 14 years	45,551	7.2%	39,484	6.1%	-12.5%
15 to 19 years	44,044	7.0%	42,163	6.6%	-5.7%
20 to 24 years	34,185	5.4%	37,390	5.8%	13.99%
25 to 34 years	64,860	10.3%	70,569	10.9%	11.8%
35 to 44 years	86,499	13.7%	75,860	11.8%	-18.8%
45 to 54 years	110,979	17.6%	88,083	13.7%	-18.9%
55 to 59 years	44,570	7.1%	50,654	7.8%	18.9%
60 to 64 years	37,118	5.9%	50,797	7.8%	48.4%
65 to 74 years	44,342	7.0%	71,107	11.04%	70.4%
75 to 84 years	28,598	4.5%	33,953	5.3%	15.9%
85 years and over	13,751	2.2%	14,423	2.2%	14.9%
2010 US Census Bureau (table DP-1)					
U.S. Census Bureau, American Community Survey 2023 5- Year Estimates (table DP-05)					

The median age of Spring Lake residents has increased between 2010 and 2023. This trend is consistent with the general “graying” of America as the Baby Boom generation continues to age. While the State, County, and Borough have all experienced increases in median age between 2010 and 2023, the Borough’s median age increased significantly more than the State of New Jersey’s and Monmouth County. However, the median age of residents in Spring Lake is considerably higher than that of the County or the State.

**TABLE 4: MEDIAN AGE**

Year	Spring Lake	Monmouth County	New Jersey
2010	54.3	40.6	38.5
2023	61.4	43.2	40.1
Change	7.1	2.6	1.6
U.S. Census Bureau, American Community Survey 2010 and 2023 5- Year Estimates (table DP-05)			

## Households

A household is defined as one or more persons, either related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 1,301 households in the Borough. Approximately 77.3 percent of the Borough’s households were comprised of one or two persons, and only 10.3 percent of all Borough households consisted of four (4) or more persons. Approximately 59 percent of Monmouth County households were comprised of one and two-person households. The Borough exhibited a higher percentage of two-person households than the County. Spring Lake’s average household size was 2.13 while the County’s average household size was 2.55 according to these estimates.

**TABLE 5: HOUSEHOLD CHARACTERISTICS  
SPRING LAKE AND MONMOUTH COUNTY, 2023**

	Spring Lake		Monmouth County	
	Number	Percent	Number	Percent
Total Households	1,301	100%	250,195	100.0%
1-person	317	24.4%	66,589	26.6%
2-persons	689	52.9%	81,289	32.4%
3-persons	171	13.1%	40,929	16.4%
4 or more persons	124	10.3%	61,388	24.5%
Average Household Size	2.13		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. Most households in Spring Lake were families, comprising 77.2 percent of all households. Approximately 73.0 percent of all family households were family households with married couple householders, while 1.1 percent

and 3.0 percent of family households respectively were family households consisting of single parent male or female householders. The average family size in Spring Lake was 2.48 persons. Of all Borough households, 11.4 percent were non-family households.

**TABLE 6: HOUSEHOLDS BY TYPE (2023)**

Households	Total	Percent
	1,211	100%
Average Household Size	2.13	
Average Non-Family Household Size	1.09	
Family households	961	77.2%
Married Couple Family	909	73.0%
With own children under 18 years	193	15.5%
No children under 18 years	716	57.6%
Other Family	139	11.4%
Male householder, no spouse present	14	1.1%
With own children under 18 years	8	0.6%
No own children under 18 year	6	0.4%
Female householder, no spouse present	38	3.0%
With own children under 18 years	0	0.0%
No own children under 18 year	38	3.0%
Nonfamily Households	340	27.3%
Average Family Size	2.48	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table S1101)		

## Income

Spring Lake experienced a 66.3 percent increase in per capita income between 2010 and 2023, while Monmouth County experienced a 59.9 percent increase, and the State's per capita income increased by 52.3 percent increase over the same period. However, although the Borough experienced the biggest increase in per capita income, while the County and State experienced smaller increases, the Borough's per capita income of \$119,203 is much higher than the County's \$65,545 per capita income figure and is substantially more than the State's \$53,118 per capita income.

**TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME**

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
Spring Lake	\$71,661	\$119,203	66.3%	\$97,885	\$146,976	50.1%
Monmouth	\$40,976	\$65,545	59.9%	\$64,271	\$122,727	90.9%
New Jersey	\$34,858	\$53,118	52.3%	\$55,146	\$101,050	83.2%
U.S. Census Bureau, 2010 ACS Selected Population Tables (table DP03)						
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S1902 and S1903)						

In both Spring Lake and the County, the \$200,000- plus range income bracket contained the largest percentage of households. However, the percentage of households in this income bracket was much greater in Spring Lake (40.6%) than in the County (27.7%) overall. In the Borough of Spring Lake, 90.8% of households had an income of \$50,000 or greater, while in the County, 79.1% of all households had an income of \$50,000 or greater. The median household income in Spring Lake was \$146,976, approximately \$24,000 more than the County median household income and \$45,923 more than the State median household income. Between 2010 and 2023, the median household income in Spring Lake increased 50.1 percent, while the median household income in Monmouth County increased by 90.9 percent and by 83.2 percent for the State overall.

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

	Spring Lake		Monmouth County	
	Number	Percent	Number	Percent
<b>Total Households</b>	<b>1,301</b>	<b>100%</b>	<b>250,195</b>	<b>100.0%</b>
Less than \$10,000	27	2.1%	8,165	3.3%
\$10,000 to \$14,999	0	0.0%	5,319	2.1%
\$15,000 to \$19,999	8	0.6%	5,203	2.1%
\$20,000 to \$24,999	10	0.8%	5,578	2.2%
\$25,000 to \$29,999	0	0.0%	5,530	2.2%
\$30,000 to \$34,999	55	4.2%	5,175	2.1%
\$35,000 to \$39,999	7	0.5%	5,648	2.3%
\$40,000 to \$44,999	0	0.0%	5,544	2.2%
\$45,000 to \$49,999	13	1.0%	6,198	2.5%
\$50,000 to \$59,999	101	7.8%	9,995	4.0%
\$60,000 to \$74,999	20	1.5%	15,158	6.1%
\$75,000 to \$99,999	221	17.0%	25,542	10.2%
\$100,000 to \$124,999	96	7.4%	24,161	9.7%
\$125,000 to \$149,999	99	7.6%	19,756	7.9%
\$150,000 to \$199,999	116	8.9%	33,996	13.6%
\$200,000 or more	528	40.6%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				

## Household Costs

The tables below show housing expenditures for owner- and renter-occupied units in Spring Lake in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 428 households (37.3%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be

allocated for housing costs.

The second table shows rental costs as a percentage of household income. A total of 138 households renting in Spring Lake, or 65.7 percent, were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

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

	Spring Lake		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	1,148	100.0%	120,842	100.0%
Less than 20%	626	54.5%	51,115	42.3%
20 to 24%	34	3.0%	19,772	16.3%
25 to 29%	60	5.2%	13,459	11.1%
30 to 34%	69	6.0%	8,293	6.8%
35% or more	359	31.3%	28,203	23.3%
Not computed	0	0.0%	610	0.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04) (table B25091)				

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

	Spring Lake		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	210	100.0%	58,198	100%
Less than 15%	9	4.3%	7,106	12.2%
15 to 19%	56	26.7%	6,970	11.9%
20 to 24%	7	3.3%	6,927	11.9%
25 to 29%	0	0.0%	6,419	11.0%
30 to 34%	18	8.6%	4,751	8.1%
35% or more	120	57.1%	26,025	44.7%
Not computed	45	21.4%	3,419	5.8%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

## EXISTING HOUSING CONDITIONS

### Housing Unit Data

Spring Lake's housing stock is predominantly owner occupied and slightly more than half

was built prior to 1950. According to the 2023 ACS, the Borough had a total of 1,301 occupied housing units. Most occupied units (57.7%) were owner-occupied, while 7.6 percent were renter-occupied. The median year a structure was built in Spring Lake is 1958.

**TABLE 11: HOUSING UNIT DATA, 2023**

<b>Housing Units in Spring Lake</b>	<b>Number</b>	<b>Percent</b>
Total Housing Units	1,991	100%
Vacant Housing Units	690	34.7%
Occupied Housing Units	1,301	65.3%
Owner Occupied	1,148	57.7%
Renter Occupied	153	7.6%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

	Number	Percent
Built 1939 or earlier	675	33.9%
Built 1940 to 1949	153	7.6%
Built 1950 to 1959	219	10.9%
Built 1960 to 1969	38	1.9%
Built 1970 to 1979	78	3.9%
Built 1980 to 1989	105	5.2%
Built 1990 to 1999	34	1.7%
Built 2000 to 2009	335	16.8%
Built 2010 or later	354	17.7%
Total	1,991	100.0%
Median Year Structure Built	1958	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

### **Housing Type and Size**

The majority (87.6%) of housing stock in Spring Lake consists of single-family detached dwellings. Multi-family dwellings consisting of 20 or more units comprise 5.8% of the Borough's housing stock and one-unit attached dwellings consist of 4.3% of the Borough's housing stock. The median number of rooms per unit was 8.0.



**TABLE 12: HOUSING UNITS BY TYPE, 2023**

Units in Structure	Total	Percent
Total	1,991	100.0%
1 Unit, detached	1,746	87.6%
1 Unit, attached	86	4.3%
2 Units	24	1.2%
3 or 4 Units	20	1.0%
5 to 9 Units	0	0.0%
10 to 19 Units	0	0.0%
20 Units or more	115	5.8%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	62	3.1%
2 rooms	109	5.4%
3 rooms	66	3.3%
4 rooms	14	0.7%
5 rooms	150	7.5%
6 or more rooms	1,590	79.9%
Median number of rooms	8.0	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

### Housing Values and Contract Rents

According to ACS 5-Year Estimates, most housing units in Spring Lake (84.0%) were valued at over \$1,000,000. Table 13 provides a breakdown of home values for owner-occupied units within the Borough. Only eleven (11) owner-occupied housing units in Spring Lake were worth less than \$50,000. The median value of an owner-occupied housing unit was over \$2,000,000 at the time of the survey.

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

	Spring Lake		Monmouth County	
	Number	Percentage	Number	Percentage
Total	1,148	100%	188,578	100%
Less than \$50,000	11	0.9%	3,202	1.6%
\$50,000 to \$99,999	0	0.8%	2,703	1.4%
\$100,000 to \$149,999	0	1.8%	1,760	0.9%
\$150,000 to \$199,999	9	0.8%	2,797	1.4%
\$200,000 to \$299,999	7	0.0%	12,780	6.8%
\$300,000 to \$499,999	29	4.4%	55,119	29.2%
\$500,000 to \$999,999	127	16.8%	88,909	58.4%
\$1,000,000 or more	965	84.0%	21,308	11.3%
Median Value	\$2,000,000+		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

With respect to renter-occupied units, there are a range of rents, with most rental units in the Borough carrying rental costs either within the \$1,000 to \$1,499 range or the \$2,000 to \$2,499 range per month. At the time of the ACS 5-Year Estimates, the median gross rent in Spring Lake was \$2,194. Zero units in the Borough carried rental costs less than \$1,000 per month, and only 65 units did not require cash rent payments.

**TABLE 14: GROSS RENT PAID**

	Spring Lake		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	88	100%	59,223	100%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	0	0.0%	3,453	5.8%
\$1,000 to \$1,499	26	29.5%	13,711	23.1%
\$1,500 to \$1,999	6	6.8%	15,499	26.1%
\$2,000 to \$2,499	31	35.2%	6,150	10.3%
\$2,500 to \$2,999	0	0.0%	5,445	9.1%
\$3,000 or more	25	28.4%	1,771	2.9%
No cash rent	65	73.8%	2,394	4.0%
Median Contract Rent	\$2,194		\$1,372	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

## Housing Conditions

According to the 2023 ACS, there were a minimal number of 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 Spring Lake 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, zero percent of occupied housing units experienced over-crowding, zero percent of occupied units lacked complete plumbing facilities, and 5.8 percent of units lacked complete kitchen facilities.

**TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS**

	Count	Percent
<b>Housing Units with 1.01 or More Persons Per Room</b>		
1.01 to 1.5 occupants per room	0	0.0%
1.51 or more occupants per room	0	0.0%
<b>Plumbing Facilities</b>		
Total Occupied Housing Units	1,301	100%
Lacking complete plumbing facilities	0	0.0%
<b>Kitchen Equipment</b>		
Total Occupied Housing Units	1,301	100%
Lacking complete kitchen facilities	76	5.8%
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 Spring Lake has issued building permits for 526 residential dwelling units between 2000 and 2023. During that same time period, the Borough issued 419 residential demolition permits. The Borough has added 107 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 - 2023**

Year	Residential Building Permits Issued	Residential Demolitions	Total Added
2000	26	15	11
2001	27	18	9
2002	28	20	8
2003	19	17	2
2004	19	18	1
2005	19	22	-3
2006	20	14	6
2007	19	14	5
2008	17	19	-2
2009	18	21	-3
2010	23	18	5
2011	15	10	5
2012	21	16	5
2013	14	9	5
2014	22	16	6
2015	33	27	6
2016	28	19	9
2017	21	21	0
2018	20	26	-6
2019	24	17	7
2020	17	17	0
2021	22	22	0
2022	27	10	17
2023	27	13	14
<b>Total</b>	<b>526</b>	<b>419</b>	<b>107</b>
Source: New Jersey Department of Community Affairs Construction Reporter			

## EMPLOYMENT DATA

The 2023 ACS reports on work activity of residents aged 16 years and older. While the Borough's working age population was 2,519 residents, Spring Lake had an approximate labor force of 1,007 residents. Approximately 60.0 percent of the Borough's working age residents were not participating in the labor force at the time of the estimates. The vast majority of the Borough's labor force was employed in civilian jobs, with zero (0) residents

reporting being members of the armed forces. Approximately 1.1 percent of Borough residents reported being unemployed.

**TABLE 17: EMPLOYMENT STATUS**

	Spring Lake		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	2,519	100%	526,352	100.0%
In labor force	1,007	39.9%	349,815	66.4%
Civilian Labor Force	1,007	39.9%	349,355	66.3%
Employed	979	38.8%	331,018	62.9%
Unemployed	28	1.1%	18,337	3.4%
Armed Forces	0	0.0%	460	0.09%
Not in labor force	1,512	60.0%	174,537	28.03%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

Approximately 77 percent of the Borough's workers were employed in private wage and salary positions, while 11.5 percent of workers are self-employed. Government workers comprise about 11.1 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

**TABLE 18: CLASSIFICATION OF WORKERS IN SPRING LAKE, 2023**

	Number	Percent
Total	979	100%
Private Wage and Salary Worker	757	77.3%
Government Worker	109	11.1%
Self-Employed Worker	113	11.5%
Unpaid Family Worker	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Spring Lake were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers are employed in the finance, insurance & real estate (23.8%) sector and educational services, and health care and social services (21.3%). The professional scientific, management, administrative and waste management services employees an addition 20.8% of the Borough's workforce. All remaining sectors employee less than 10% of the employed population within Spring Lake.

**TABLE 19: WORKFORCE BY SECTOR**

<b>Sector</b>	<b>Number</b>	<b>Percent</b>
Civilian employed population 16 years and over	979	100%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	35	3.6%
Manufacturing	92	9.4%
Wholesale Trade	10	1.0%
Retail Trade	68	6.9%
Transportation and Warehousing, and Utilities	13	1.3%
Information	17	1.7%
Finance and insurance, and real estate and rental and leasing	233	23.8%
Professional, scientific, and management, and administrative and waste management services	204	20.8%
Educational services, and health care and social assistance	209	21.3%
Arts, entertainment, and recreation, and accommodation and food services	97	9.9%
Other Services, except public administration	1	0.1%
Public administration	0	0.0%
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. A higher percentage of the Borough's workforce is employed in finance and insurance and real estate and rental and leasing; while a higher percentage of the County's workforce was employed in the educational services, and health care and social assistance sectors.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR  
SPRING LAKE BOROUGH AND MONMOUTH COUNTY, 2023**

<b>Sector</b>	<b>Spring Lake</b>	<b>Monmouth County</b>
Civilian employed population 16 years and over	979	331,018
Agriculture, forestry, fishing and hunting, mining	0.0%	0.36%
Construction	3.6%	6.9%
Manufacturing	9.4%	6.2%
Wholesale Trade	1.0%	2.4%
Retail Trade	6.9%	10.4%
Transportation and Warehousing, and Utilities	1.3%	4.4%
Information	1.7%	3.2%
Finance and insurance, and real estate and rental and leasing	23.8%	10.3%
Professional, scientific, and management, and administrative and waste management services	20.8%	15.5%
Educational services, and health care and social assistance	21.3%	24.3%
Arts, entertainment, and recreation, and accommodation and food services	9.9%	7.7%
Other Services, except public administration	0.1%	3.7%
Public administration	0.0%	4.3%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Borough's employed civilian labor force. Almost three-quarters of the Borough's employed civilian labor force was employed in management, professional, or related occupations while a little less than three percent of labor force was employed in product transportation and material moving occupations.

**TABLE 21: OCCUPATIONS BY TYPE**

<b>Occupation</b>	<b>Number</b>	<b>Percent</b>
Employed Civilian population 16 years and over	979	100%
Management, business, science and arts occupations	705	72.0%
Service occupations	58	5.9%
Sales and office occupations	150	15.3%
Natural resources, construction and maintenance occupations	40	4.1%
Production Transportation and material moving occupations	26	2.7%
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

Management of Companies and Enterprises 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
<b>Total All Industries</b>	<b>302,150</b>	<b>323,550</b>	<b>21,400</b>	<b>7.1</b>	<b>7.0%</b>	<b>Growing</b>

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 Spring Lake is located within public water and sewer service areas. Sewer service and public water are both provided and owned by the Borough of Spring Lake through Water and Sewer Utility of the Borough of Spring Lake. The water for public consumption is drawn from three wells from the Englishtown Aquifers as well as purchased surface water from the Manasquan Water treatment Plant.

### **Anticipated Demand and Land Use Patterns**

Spring Lake Borough is predominantly residential, featuring single-family homes, public parks, and churches. Commercial activities are mainly concentrated in designated retail and general commercial zones. As a fully developed municipality with limited vacant land, Spring Lake anticipates addressing future population and employment changes through redevelopment opportunities as they arise. According to the North Jersey Transportation Planning Authority (NJTPA), Spring Lake's population is expected to remain relatively stable in the coming decades, with a slow increase in population. Projections for 2050 estimated a population of approximately 3,066 persons.

#### *Residential*

Currently, the Borough is predominantly zoned for Single Family housing in zones R-1, R-2, R-3, and CS-SC, which consist of a majority of the land area within the Borough. There are currently no Zoning Districts designated for higher-density residential districts. Spring Lake, however, has opportunities to allow and encourage a variety of development types in its northern portion of Warren Avenue, permitting detached dwellings in the GC General



Commercial District only.

### *Non-Residential*

Spring Lake Borough features well-defined commercial areas, primarily along Third Avenue and portions of Morris Avenue, designated as Retail Commercial (RC) and General Commercial (GC) zones. Buildings in these districts are typically two stories, accommodating multiple tenant spaces per lot. These areas host a variety of establishments, including restaurants, salons, offices, and retail shops, contributing to a vibrant downtown atmosphere. Given the Borough's fully developed nature, new commercial development is expected to occur through redevelopment or adaptive reuse of existing sites.

### **Environmental Constraints**

Spring Lake enjoys many natural environmental amenities, including the Atlantic Ocean coastline to the east, Lake Como to the north, Black Creek to the southwest, Spring Lake in the center of the Brough, and Wreck Pond to the south. These features not only enhance the Borough's natural features but aid local ecosystems. Along this stretch of fully developed 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, Spring Lake must conserve natural features such as dunes and wetlands that can absorb excess stormwater and help filter polluted runoff.

### **Historic**

There are several properties within Spring Lake are listed on the State Register of Historic Places:

- Audenried Cottage (Normandy Inn),
- Frederick A. Duggan Memorial First Aid and Emergency Squad Building (Spring Lake First Aid & Emergency Squad Building,
- Holy Trinity Episcopal Church,
- Martin Maloney Cottage,
- 2 Passaic Avenue,
- Saint Andrew's Methodist Episcopal Church,
- Saint Catherine's Church,
- 2 Warren Avenue,
- Western World Shipwreck,
- New York and Long Branch Railroad Historic District, and
- Spring Lake, New Jersey, as a Coastal Resort MPDF.

While select properties are targeted for preservation, historic status is not generally a major source of development constraint in Spring Lake.

### **Existing Land Use Designations**

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted in June 2020.

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

*Single-Family Residential Zones: R-1, R-2, and R-3*

The Borough has established three residential zones, which have the same principal, accessory, and conditional uses. The principal permitted uses are one detached dwelling unit per lot; public playground, conservation area, park and/or public purpose use; church; public and private day school or elementary and/or high school grade not operated for profit; and community residences as provided in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2 and community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, adult family care homes for elderly persons and physically disabled adults and all other entities which may, in the future, be included under the provisions of N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2. The differentiation between the three residential zones is with respect to their locations within the Borough and the bulk requirements relating to lot size of each.

The R-1 Zone District occupies approximately half of the Borough, located throughout the northeastern portion of the Borough, bordering the Atlantic Ocean, Lake Como, and containing most of Spring Lake. This Zone District extends to the northwestern border of the Borough, northwest of South Blvd and Third Avenue.

The R-2 Zone District that occupies the southern and western portions of the Borough. This Zone is located South of Atlantic Avenue to the southern border with Sea Girt, and west of Fourth Avenue to St Clair, where the boundary extends to Third Avenue to South Blvd.

The R-3 Zone District is located in two small pockets in the southeastern portion of Spring Lake, along Ocean Avenue.

*Common Services Residence Senior Citizen District: CS-SC*

The Borough has established a Senior Citizen Residential District. The principle permitted uses in this Zone District includes a luxury senior citizen common services residence at a maximum gross density of 55 units per acre, provided that the total number of dwelling units shall not exceed 168 units. This Zone District consists of the Essex and Sussex Condominium located on Ocean Avenue between Essex and Sussex Avenues. This district also permits single-family detached houses in accordance with the standards of the R-3 District.

In addition to its residential zones, Spring Lake has established the following **non-residential zones** where the main purpose is to accommodate non-residential uses. **Residential dwelling units are permitted by right as a principal use** in the GC General Commercial Zone District:

*Commercial Zones: RC and GC*

The Borough has established two commercial zones, which have the same principal, accessory, and conditional uses. The principle permitted uses include: local retail activities including grocery stores, meat markets, seafood markets, delicatessens, package liquor stores, furniture stores, sporting goods shops, gift shops, hobby shops, book stores, clothing stores, shoe stores, hardware stores, stationery stores, fabric stores, florists and similar retail uses; local service activities including barber and beauty shops, tailors, dry-cleaning and laundering operations, appliance repair shops, shoe repair shops, upholsterers and similar service activities; restaurants; banks; professional offices and business offices, office buildings and office storage facilities, except on a street level of properties, or any part thereof, located on Third Avenue; Theaters; Automobile sales through franchised new car dealers in the GC District only; Wholesale distribution centers and warehouses in the GC District only; and Detached dwellings in the GC District only, in accordance with the provisions specified for the R-2 District.

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

The RC zone is located in the center of the Borough, bordering the R-1 and the R-2 zones.

The G-C zone is located on the very western portion of the Borough bordering the railroad and the Borough of Spring Lake Heights.

## **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**

<b>Obligation Component</b>	<b>Number of Credits Required</b>
Present Need	10
Prior Round Obligation (1987-1999)	132
Third Round "Gap" and Prospective Need (1999-2025)	261
Fourth Round Prospective Need (2025-2035)	68

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, Spring Lake Borough 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 illustrates a lack of vacant land and a Realistic Development Potential (RDP) of 3 affordable units and is included herein as Appendix A.

### **Satisfaction of the Borough's Rehabilitation/Present Need Obligation**

The Borough of Spring Lake will participate in Monmouth County Housing Improvement Program, which is administered by the Monmouth County Community Development Block Grant (CDBG) program through an intergovernmental agreement between the Borough and the County. The Borough will fund the program until such time as the funds become available in the Affordable Housing Trust Fund. The Borough anticipates completing one (1) rehabilitation per year to satisfy its obligation.

### **Satisfaction of the Borough's Realistic Development Potential**

The Borough's RDP is three (3) units. The Borough proposes to address this RDP through the creation of affordable housing units in the municipally owned building previously occupied by Wells Fargo, at the southwest corner of Third Avenue and Morris Avenue. The first floor of this mixed-use redevelopment will consist of a restaurant and the second floor will be occupied by three (3) affordable apartments to be built and managed by the Affordable Housing Alliance.

### **Prior Round Compliance**

Spring Lake took a vacant land adjustment and was found to have RDP of zero (0) units and an unmet need of 132 units for the 1987 to 1999 obligation. To address the unmet need, Spring Lake entered into a Regional Contribution Agreement (RCA) with the City of Asbury Park for 14 units. Spring Lake agreed to send \$25,000 per unit to Asbury Park for a total of \$350,000. The Borough also adopted a development fee ordinance to help address their unmet need.

### **Third Round Compliance**

Spring Lake took a vacant land adjustment to address their third round obligation and was found to have an RDP of three (3) units. This obligation was addressed through the construction of a four-unit, 100% affordable, non-age restricted, family rental project located on Warren Avenue at Block 62, Lot 11.01.

### **Satisfaction of the Borough's Unmet Need**

The Borough's unmet need is 68 units based on the Fourth Round Obligation (2025-2035). The Borough proposes to implement the following mechanisms to address its unmet need:

#### **Mandatory Set-Aside Ordinance ("MSO")**

The Borough established a Borough-wide Mandatory Set-Aside Ordinance ("MSO") in April of 2019. The MSO requires a 20 percent (20%) affordable housing set-aside for residential developments comprised of five or more dwelling units. The Borough will revise the ordinance as necessary. The existing ordinance is included herein as Appendix C.

#### **Mixed Use Affordable Housing Overlay Zone ("MU-AH")**

Spring Lake established a Mixed-Use Affordable Housing Overlay Zone in February 2019 permitting mixed use buildings as a conditional use, provided that a mixed use building shall be a building with a ground floor story consisting of a non-residential principal use or uses

otherwise permitted in the underlying zone and a minimum of one, but no more than two stories, of residential use over the first-floor non-residential use(s).

Mixed-use buildings in the MUAHOZ zone shall meet the following standards:

1. A minimum of 20% of the dwelling units in a mixed-use building shall be very-low, low, and /or moderate-income units and no mixed-use building shall have less than one very-low, low, or moderate-income unit.
2. On-site/off-street parking shall be provided in conformance with the requirements of the New Jersey Residential Site Improvement Standards for all residential units in the mixed-use building.
3. The maximum height of the mixed-use building shall be 35 feet.

The ordinance can be found in Appendix D.

#### *Affordable Housing/Development Fee Ordinance*

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

## **Appendices**

## **Appendix A. Vacant Land Adjustment**



# **Vacant Land Inventory and Analysis Report**

**Prepared for:**  
**Borough of Spring Lake**  
**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 Spring Lake by Leon S. Avakian Inc (Avakian).

### *Previous Housing Rounds and Vacant Land Analyses*

The Borough of Spring Lake is a fully developed shore community located in southern Monmouth County. Spring Lake has participated in all prior Fair Share Housing Rounds.

### *Current Housing Round and Vacant Land Assessment*

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

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

The realistic development potential (RDP) of the Borough’s vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has one (1) suitable site available for development, and consequently, has an RDP new construction obligation of three (3) 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 Spring Lake's RDP has been determined to be three (3) affordable units. This finding is consistent with the Borough's current development conditions.

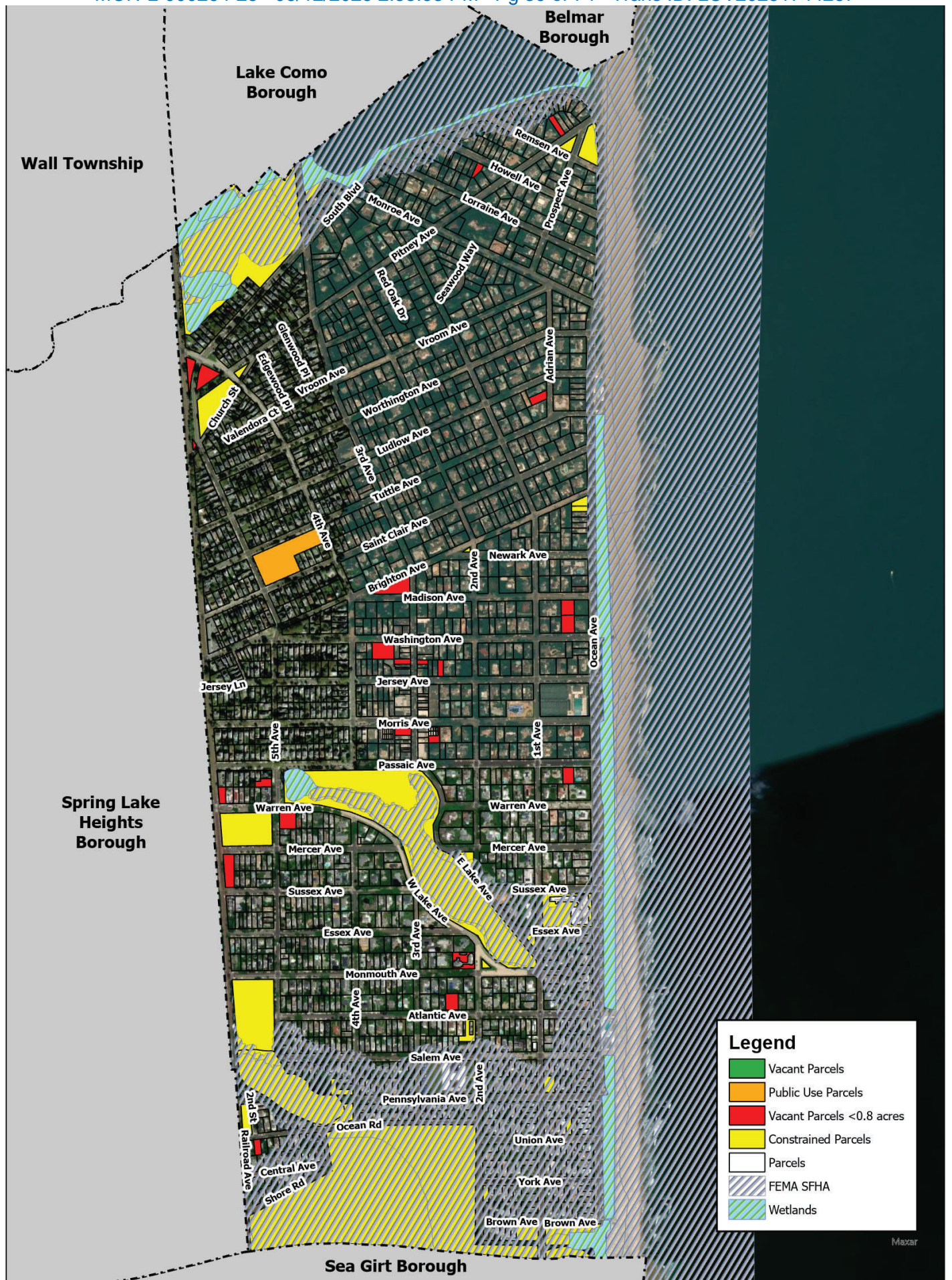
## **ATTACHMENT A: VACANT LAND INVENTORY** **TABLE**

Borough of Spring Lake  
Vacant Land Adjustment  
June 2025

Block	Lot	Class	Location	Owner Name	Area	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for Exclusion	Total Units	Affordable Units
1	2	15C	FIRST AVE	SPRING LAKE BORO	0.76	0.76	0.00	0.00	Waterbody, On SFHA, On wetlands, Developable acreage less than 0.8	0.00	0.00
2	1	15C	OCEAN & BROWN AVE	SPRING LAKE BORO	2.40	2.40	0.00	0.00	On SFHA, On wetlands	0.00	0.00
3	1	15C	FIRST & BROWN AVE	SPRING LAKE BORO	0.69	0.69	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
4	1	15C	OCEAN ROAD	SPRING LAKE BORO	43.26	43.26	0.00	0.00	Waterbody, On ROSI, On SFHA	0.00	0.00
7	13	1	119 YORK AVE	DOBROWSKI, THOMAS E & CAROL A	0.17	0.17	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
11	10	1	419 OCEAN ROAD	LAIBLE, DAVID S & CAROLE	0.20	0.00	0.20	0.00	Developable acreage less than 0.8	0.00	0.00
12	1	15C	301 SECOND AVE	SPRING LAKE BORO	0.51	0.51	0.00	0.00	On ROSI, On SFHA, Developable acreage less than 0.8	0.00	0.00
13	11	15C	400 OCEAN ROAD	SPRING LAKE BORO	0.04	0.04	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
14	1	15C	301 FOURTH AVE	SPRING LAKE BORO	0.43	0.43	0.00	0.00	Waterbody, On ROSI, On SFHA, Developable acreage less than 0.8	0.00	0.00
18	17.01	1	10 UNION AVE	FINNEY, ELAINE	0.17	0.17	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
19	13	1	FIRST AVE	NAPOLIELLO VINCENT & MAUREEN	0.34	0.34	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
23	15	15C	PENNSYLVANIA AVE	SPRING LAKE BORO	0.34	0.34	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
24	1	15C	303 FOURTH AVE	SPRING LAKE BORO	7.30	7.30	0.00	0.00	Waterbody, On SFHA	0.00	0.00
26	1	15C	501 FIFTH AVE	SPRING LAKE BORO	5.31	5.31	0.00	0.00	On SFHA, Municipal DPW yard	0.00	0.00
29	1.02	1	SECOND AVE	CONNORS, BRIAN & LAURA	0.39	0.39	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
34	16	1	208 ATLANTIC AVE	PATEL, FAIGUNI	0.40	0.00	0.40	0.00	Developable acreage less than 0.8	0.00	0.00
40	17	15F	200 MONMOUTH AVE	HEWITT WELLINGTON CONDO ASSOCIATION	0.39	0.00	0.39	0.00	Hotel common area/parking lot, Developable acreage less than 0.8	0.00	0.00
41	1	15C	MONMOUTH & SECOND AVE	SPRING LAKE BORO	0.08	0.08	0.00	0.00	On ROSI, Developable acreage less than 0.8	0.00	0.00
42	1	15C	FIRST & ESSEX AVE	SPRING LAKE BORO	0.16	0.16	0.00	0.00	On ROSI, On SFHA, Developable acreage less than 0.8	0.00	0.00
43	1	15F	700 OCEAN AVE	ESSEX & SUSSEX CONDO ASSOCIATION	1.96	1.96	0.00	0.00	On SFHA, Condo common area/parking lot	0.00	0.00
49	8	15C	515 MERCER AVE	SPRING LAKE BORO	0.62	0.00	0.62	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00	0.00
52	1	15C	LAKE & PARK AVE	SPRING LAKE BORO	25.85	25.85	0.00	0.00	Waterbody, On ROSI, On SFHA, On wetlands	0.00	0.00
53	1	15C	MERCER & SECOND AVE	SPRING LAKE BORO	0.27	0.27	0.00	0.00	On ROSI, On SFHA, Developable acreage less than 0.8	0.00	0.00
60	9	15C	FIFTH & WARREN AVE	SPRING LAKE BORO	0.52	0.00	0.52	0.00	Municipal building, Developable acreage less than 0.8	0.00	0.00
61	1	15C	FIFTH AVE & R R	SPRING LAKE BORO	3.20	3.20	0.00	0.00	On ROSI, Municipal parking lot	0.00	0.00
62	1	15F	1007 FIFTH AVE	SPRING LAKE BORO	0.23	0.00	0.23	0.00	Municipal firehouse, Developable acreage less than 0.8	0.00	0.00
62	11.01	15C	520 WARREN AVE	SPRING LAKE BORO	0.22	0.00	0.22	0.00	Municipal building, Developable acreage less than 0.8	0.00	0.00
65	7.01	1	7 PASSAIC AVE	FLEMING, THOMAS A & BARBARA	0.34	0.00	0.34	0.00	Developable acreage less than 0.8	0.00	0.00
68	7.01	15F	215 MORRIS AVE	215 MORRIS AVENUE CONDOMINIUM	0.18	0.00	0.18	0.00	Condo parking lot, Developable acreage less than 0.8	0.00	0.00
69	3	15C	THIRD & MORRIS AVE	SPRING LAKE BORO	0.22	0.00	0.22	0.00	<b>Municipally owned mixed use building. Designated as affordable housing site</b>	0.00	<b>3.00</b>
80	16	1	210 JERSEY AVE	GIBLIN, MICHAEL & PATRICIA	0.17	0.00	0.17	0.00	Developable acreage less than 0.8	0.00	0.00
80	11	1	1306 THIRD AVE	1308 ASSOCS, LLC %J JOHNSON PMK GRP	0.09	0.00	0.09	0.00	Developable acreage less than 0.8	0.00	0.00
81	4	15C	307 WASHINGTON AVE	SPRING LAKE BORO	0.69	0.00	0.69	0.00	Municipal police department, Developable acreage less than 0.8	0.00	0.00
81	20	15F	1307 THIRD AVE	JPC HOLDINGS, LLC	0.17	0.00	0.17	0.00	Condo parking lot, Developable acreage less than 0.8	0.00	0.00
88	1.04	1	WASHINGTON AVE	GREEN GABLES TRUST/O A ESTABROOK	0.43	0.00	0.43	0.00	Developable acreage less than 0.8	0.00	0.00
88	1.03	1	MADISON AVE	1403 OCEAN AVE LLC% A VINCIGUERRA	0.43	0.00	0.43	0.00	Developable acreage less than 0.8	0.00	0.00
92	1	15C	300 MADISON AVE	SPRING LAKE COMMUNITY HOUSE AND THEATRE	0.76	0.00	0.76	0.00	Municipal library, Developable acreage less than 0.8	0.00	0.00
93	1	15C	BRIGHTON & SECOND AVE	SPRING LAKE BORO	0.04	0.04	0.00	0.00	On ROSI, Developable acreage less than 0.8	0.00	0.00
95	8	1	1615 OCEAN AVE	DB S7 LLC / R MOORE	0.17	0.17	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
95	9	1	1617 OCEAN AVE	DB S7 LLC / R MOORE	0.22	0.22	0.00	0.00	On SFHA, Developable acreage less than 0.8	0.00	0.00
103	1	15A	400 TUTTLE AVE	H W MOUNTZ PUBLIC SCHOOL	3.44	0.00	3.44	0.00	Municipal elementary school	0.00	0.00
109	4	1	1907 ADRIAN PLACE	ADRIAN AVENUE, LLC	0.28	0.00	0.28	0.00	Developable acreage less than 0.8	0.00	0.00
129	1	15C	PITNEY & CHURCH AVE	SPRING LAKE BORO	1.83	1.83	0.00	0.00	On ROSI	0.00	0.00
129.01	1	15C	FIFTH & CHURCH AVE	SPRING LAKE BORO	0.04	0.00	0.04	0.00	Developable acreage less than 0.8	0.00	0.00
130	1	15C	FOURTH & CHURCH ST	SPRING LAKE BORO	0.14	0.14	0.00	0.00	On ROSI, Developable acreage less than 0.8	0.00	0.00
142	1	15C	OCEAN & REMSEN AVE	SPRING LAKE BORO	1.03	1.03	0.00	0.00	On ROSI, On SFHA	0.00	0.00
143	1	15C	REMSEN & PROSPECT AVE	SPRING LAKE BORO	0.25	0.25	0.00	0.00	On ROSI, Developable acreage less than 0.8	0.00	0.00
144	21	1	8 PITNEY AVE	HARZ, MARY E	0.23	0.00	0.23	0.00	Developable acreage less than 0.8	0.00	0.00
146	4	1	209 HOWELL AVE	DORIS SPILATRO FAMILY TRUST	0.15	0.00	0.15	0.00	Developable acreage less than 0.8	0.00	0.00
150	1	15C	PITNEY & FIFTH AVE	SPRING LAKE BORO	0.58	0.00	0.58	0.00	Developable acreage less than 0.8	0.00	0.00
150.01	1	15C	PITNEY & FOURTH AVE	SPRING LAKE BORO	0.31	0.00	0.31	0.00	Developable acreage less than 0.8	0.00	0.00
151	1	15C	R R & THIRD AVE	SPRING LAKE BORO	23.18	23.18	0.00	0.00	On ROSI, On SFHA, On wetlands	0.00	0.00
153	1	15C	THIRD & MONROE AVE	SPRING LAKE BORO	0.65	0.65	0.00	0.00	On ROSI, On SFHA, On wetlands, Developable acreage less than 0.8	0.00	0.00
<b>Total</b>										<b>0.00</b>	<b>3.00</b>

## **ATTACHMENT B: VACANT LAND MAPPING**





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.

0 250 500 1,000 1,500 2,000 Feet

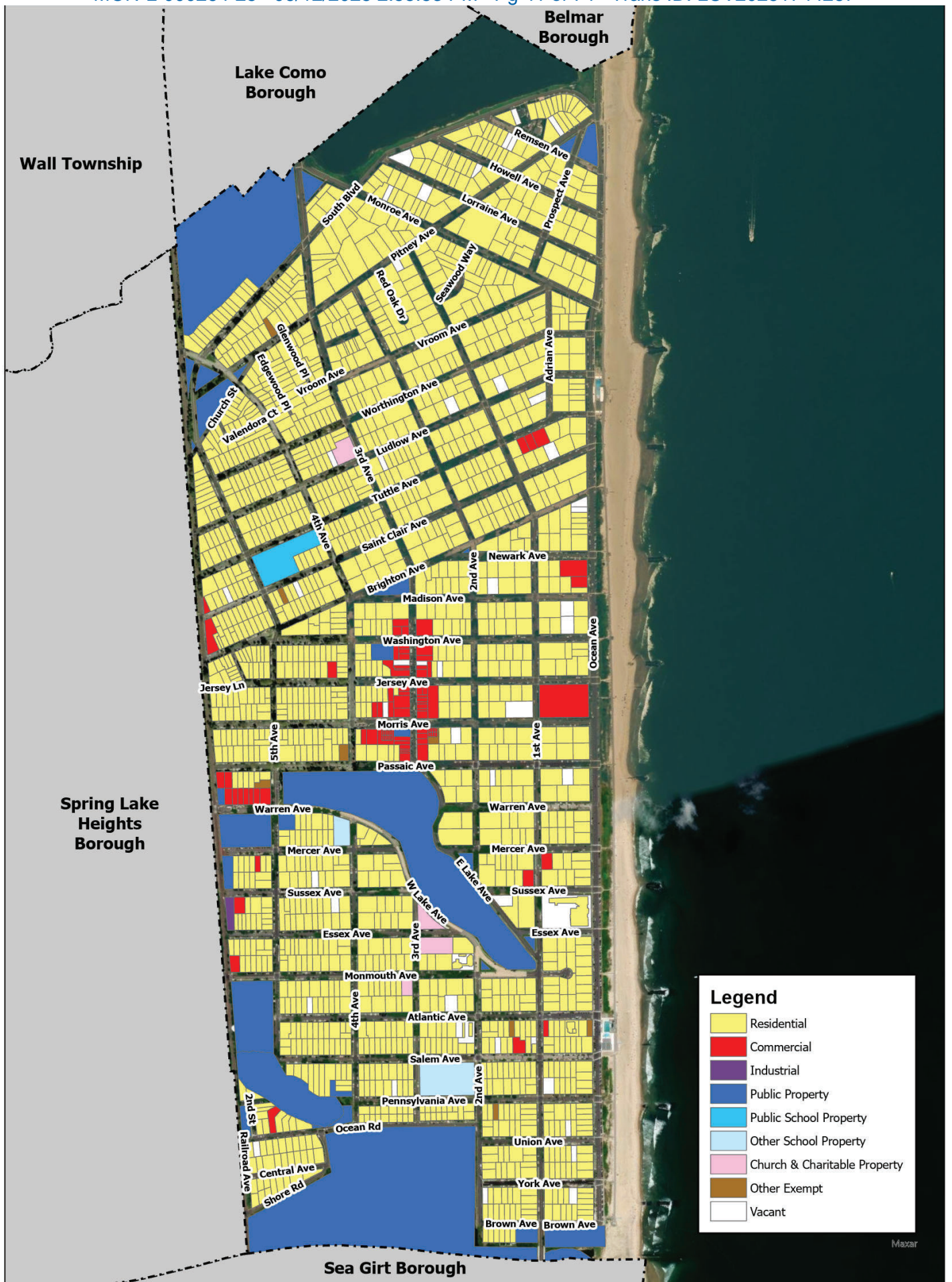
# Vacant Land and Constraints Vacant Land Assessment Borough of Spring Lake Monmouth County, New Jersey

Source: LSA, NJGIS, and Monmouth County GIS.  
Revised: March 13, 2025



## **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.

0 250 500 1,000 1,500 2,000 Feet

# **Existing Land Use** Vacant Land Assessment Borough of Spring Lake Monmouth County, New Jersey

Source: LSA, NJGIS, and Monmouth County GIS.  
Revised: March 12, 2025



## **Appendix B. Spending Plan**

## **Affordable Housing Trust Fund Spending Plan**

**Spring Lake Borough  
Monmouth County, New Jersey**

**September 20, 2024**

Prepared by:

**Spring Lake Borough Council**

423 Warren Avenue  
Spring Lake, NJ 08527

Prepared by:

**Leon S. Avakian, Inc.**

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Jennifer Beahm, P.P., AICP  
New Jersey Professional Planner  
License No. 5625

***Affordable Housing Trust Fund Spending Plan***  
*Spring Lake Borough, Monmouth County, New Jersey*  
*September 17, 2024*

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***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024*

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**1 — Introduction**

Spring Lake Borough, Monmouth County, has prepared a housing element and fair share plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (NJDCA; N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was originally adopted by the municipality on December 7, 1998 and subsequently amended on April 18, 2005 and November 10, 2009 (n.b., COAH approved the most recent amendment of the development fee ordinance on October 15, 2009). The development fee ordinance establishes the affordable housing trust fund for which this spending plan is prepared.

**2 — Revenues for Certification Period**

As of December 31, 2017 Spring Lake Borough had a balance of \$1,839,930 in its affordable housing trust fund. The affordable housing trust fund, into which all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited, is a separate, interest-bearing account of the municipality in Ocean First Bank that is used exclusively for the purposes of affordable housing. These monies in the affordable housing trust fund shall be spent in accordance with N.J.A.C. 5:97-8.7 through N.J.A.C. 5:97-8.9, as described in the sections that follow.

***Affordable Housing Trust Fund Spending Plan***

*Spring Lake Borough, Monmouth County, New Jersey*

*September 17, 2024*

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To prepare a projection of revenue anticipated during the third round period, Spring Lake Borough considered the following:

- 1) Development Fees:
  - a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - b) All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and,
  - c) Future development that is likely to occur based on historical rates of development.
- 2) Payments-in-Lieu-of-Construction:
  - a) No payments-in-lieu-of-construction are anticipated in the period from 2018 through 2025.
- 3) Projected Interest:
  - a) Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024***3 — Revenue Schedule**The projection of revenues is detailed below: **Beginning Balance as of December 31, 2017: \$1,839,930**

Revenue Schedule (2018–2025)									
Source	2018	2019	2020	2021	2022	2023	2024	2025	Total
Development Fees — Approved	\$331,785	\$327,625	\$348,347	\$278,800	\$208,135	\$295,726	\$282,752	\$0	<b>\$2,073,170</b>
Development Fees — Pending	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Development Fees — Projected								\$282,752	<b>\$282,752</b>
Payments-in-Lieu-of-Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Other Funds —	\$0		\$0	\$0	\$0	\$0	\$0	\$0	
Interest	\$2,842	\$5,411	\$2,125	\$1,300	\$6,467	\$61,101	\$56,140	\$45,000	<b>\$180,386</b>
Subtotal									<b>\$2,536,308</b>
Initial Balance 12/31/17									<b>\$1,839,930</b>
<b>Total</b>	<b>\$334,627</b>	<b>\$333,036</b>	<b>\$350,472</b>	<b>\$280,100</b>	<b>\$214,602</b>	<b>\$356,827</b>	<b>\$338,892</b>	<b>\$327,752</b>	<b>\$4,376,238</b>

***Affordable Housing Trust Fund Spending Plan***

*Spring Lake Borough, Monmouth County, New Jersey*

*September 17, 2024*

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**4 — Administrative Mechanism to Collect and Distribute Development Fee Revenues**

Spring Lake Borough shall adhere to the following procedural sequence for the collection and distribution of development fee revenues:

- 1) Collection of Development Fee Revenues:
  - a) Collection of development fee revenues shall be consistent with Spring Lake Borough's development fee ordinance for both residential and non-residential developments in accordance with the NJDCA's rules, as well as P.L. 2008, c.46, Section 8 (N.J.S.A. 52:27D-329.2) and Section 32 through Section 38 (N.J.S.A. 40:55D-8.1 through N.J.S.A. 40:55D-8.7).
- 2) Distribution of Development Fee Revenues:
  - a) The Municipal Housing Liaison instructs the Chief Financial Officer to release the required amount of funding to the recipient entity based on the type and nature of the affordable housing activity.

**5 — Description of Anticipated Use of Affordable Housing Funds**

Spring Lake Borough anticipates using affordable housing funds as described in the following subsections.

**5.1 — Rehabilitation and New Construction Programs and Projects (N.J.A.C. 5:97-8.7):**

Spring Lake Borough will dedicate monies from its affordable housing trust fund to the rehabilitation of existing housing and new construction programs as described in the following sections.



***Affordable Housing Trust Fund Spending Plan***

*Spring Lake Borough, Monmouth County, New Jersey*

*September 17, 2024*

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1) Rehabilitation Program:

- a) A total of \$510,000 will be allocated to the Borough's rehabilitation program, which is described in the Borough's Housing Element and Fair Share Plan. This amount provides an average of \$15,000 per unit to fulfill the Borough's total rehabilitation obligation of 34 units.

2) New Construction Programs:

- a) The Borough spent \$1,500,000 to purchase a structure within the Borough for the creation of households for low- and moderate-income households. This expenditure is reflected in the expenditure table showing the Borough paying down the debt service. That expenditure has been approved by the Court.

**5.2 — Affordability Assistance (N.J.A.C. 5:97-8.8)**

As detailed below, Spring Lake Borough is required to expend a minimum of \$774,392 from its affordable housing trust fund to render units more affordable.

***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024*

Affordability Assistance Calculation		
Actual Development Fees through 12/31/24		\$2,073,170
Actual Interest Earned through 12/31/24	+	\$180,386
Projected Development Fees from 01/01/25 through 12/31/25	+	\$282,752
Projected Interest from 01/01/25 through 12/31/25	+	\$45,000
Total	=	\$2,581,308
30 Percent of Total	× 0.3 =	\$774,392
Affordability Assistance Expenditures through 12/31/23	-	\$0.00
<b>Projected Minimum Required Affordability Assistance Requirement from 01/01/24 through 12/31/25</b>	<b>=</b>	<b>\$774,392</b>

- 1) Bond Service Payments — The Borough will allocate a total of \$204,831 to cover bond service payments associated with the Warren Avenue Apartments project according to the following schedule:
- a) \$102,341 in 2019 for 2018 and 2019 bond service payments;
  - b) \$50,948 in 2020; and
  - c) \$51,542 in 2021.

***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024***5.3 — Administrative Expenses (N.J.A.C. 5:97-8.9)**

As detailed below, Spring Lake Borough may spend a maximum of twenty percent (20%) from its affordable housing trust fund to fund the administration of its affordable housing program. As illustrated below that number is \$516,262. However, since 1/1/18 the Borough has spent \$78,801.

Administrative Expenses Calculation		
Actual Development Fees through 12/31/24		\$2,073,170
Actual Interest Earned through 12/31/24	+	\$180,386
Projected Development Fees from 01/01/25 through 12/31/25	+	\$282,752
Projected Interest from 01/01/25 through 12/31/25	+	\$45,000
Payments-in-Lieu-of-Construction and Other Deposits through 07/17/08	+	\$
Total RCA Expenditures	–	\$
Total	=	\$2,581,308
20 Percent of Total	× 0.2 =	\$516,262
Administrative Expenses through 12/31/17 through 12/31/24	–	\$78,801
<b>Projected Maximum for Administrative Expenses from 01/01/18 through 12/31/25</b>	<b>=</b>	<b>\$</b>

***Affordable Housing Trust Fund Spending Plan***

*Spring Lake Borough, Monmouth County, New Jersey*

*September 17, 2024*

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Spring Lake Borough will allocate up to \$115,507 from the affordable housing trust fund for administrative purposes.

Projected administrative expenditures, subject to the 20-percent cap, are as follows:

- 1) Administration of affordable housing programs.
- 2) Payment of employee salaries and benefits.
- 3) Payment of other miscellaneous administrative expenses and costs related to the preparation and implementation of the Borough's Housing Element and Fair Share Plan.

The maximum that may be spent for administration is limited to 20 percent of affordable housing trust fund revenue in any given year, not 20 percent of the total projected revenue through 2025.

Notwithstanding the above, the 20-percent maximum may be exceeded if: 1) less than 20 percent of historic revenues have been expended on administration; and, 2) the total administrative expenditure in a given year is not more than 20 percent of the annual revenue in same year, plus the difference between 20 percent of historic revenues and historic administrative expenditures.

***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024***6 — Expenditure Schedule**

The projected expenditures are detailed below:

<b>Expenditure Schedule (2018–2025)</b>										
<b>Programs</b>	<b>Units</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>Total</b>
Rehabilitation Program	34	\$0	\$0	0	0	0	0	0	\$510,000	510,000
New Construction	0	\$153,767	\$102,342	\$51,198	\$4,848	\$134,878	\$238,174	\$122,450	\$119,700	\$927,357
Affordability Assistance	TBD								\$774,392	\$774,392
Administration	—	\$35,584	\$33,651	\$1,129	\$65	\$5,285	\$2,293	\$2,500	\$35,000	\$115,507
<b>Total</b>	<b>TBD</b>	<b>\$189,351</b>	<b>\$135,993</b>	<b>\$52,327</b>	<b>\$4,913</b>	<b>\$140,163</b>	<b>\$240,467</b>	<b>\$124,950</b>	<b>\$1,439,092</b>	<b>\$2,327,256</b>

**7 — Excess or Shortfall of Funds**

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, Spring Lake Borough will address the shortfall through annual fee receipts or other available funding sources.

If more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or Spring Lake Borough is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to fund an eligible affordable housing activity pursuant to applicable rules and regulations.

***Affordable Housing Trust Fund Spending Plan***

*Spring Lake Borough, Monmouth County, New Jersey*

*September 17, 2024*

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**8 — Barrier Free Escrow**

Collection and distribution of barrier free funds shall be consistent with Spring Lake Borough's affordable housing ordinance and in accordance with N.J.A.C. 5:97-8.5.

**9 — Summary**

Spring Lake Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through N.J.A.C. 5:97-8.9, and consistent with the housing programs outlined in its Housing Element and Fair Share Plan.

Spring Lake Borough had a balance of \$1,839,930 in its affordable housing trust fund as of December 31, 2017, and it anticipates an additional \$2,536,308 in revenue through 2025 for a total of \$4,376,238. The municipality will dedicate \$510,000 toward rehabilitation, \$774,392 toward affordability assistance, and \$115,507 toward administrative costs.

***Affordable Housing Trust Fund Spending Plan****Spring Lake Borough, Monmouth County, New Jersey**September 17, 2024*

Spending Plan Summary		
Balance as of 12/31/17		\$1,839,930
Projected Development Fees from 01/01/18 through 12/31/25	+	\$2,355,922
Projected Payments-in-Lieu-of-Construction from 01/01/18 through 12/31/25	+	\$0
Projected Other Funds from 01/01/18 through 12/31/25	+	\$0
Projected Interest from 01/01/18 through 12/31/25	+	\$180,386
<b>Total Revenue</b>	<b>=</b>	<b>\$4,376,238</b>
Projected Rehabilitation Expenditures from the Affordable Housing Trust Fund	-	\$510,000
Projected New Construction Project Expenditures (Total for all Projects)	-	\$927,357
Projected Affordability Assistance Expenditures	-	\$774,392
Projected Administrative Expenses	-	\$115,507
<b>Total Projected Expenditures</b>	<b>=</b>	<b>\$2,327,256</b>
<b>Remaining Balance</b>	<b>=</b>	<b>\$2,048,982</b>

The Borough would like to spend \$1,350,000 to complete the construction of the three units on Third Avenue. This would leave a balance of \$698,982 remaining in the Trust Fund.

**Appendix C. Existing Mandatory Set Aside, Affordable Housing, and  
Development Fee Ordinance**



ARTICLE VA  
**Affordable Housing**  
**[Added 2-26-2019 by Ord. No. 2019-02]**

**§ 225-31.2. Affordable Housing Programs.**

The Borough shall use the following mechanisms to satisfy its affordable housing obligations:

**A. Percentage of Mandatory Set Asides for All Future Residential Developments.**

- (1) If the Borough permits the construction of multi-family residential developments, the Borough shall require that an appropriate percentage of the residential units be set aside for low and moderate-income households. This requirement shall apply beginning with the effective date of this ordinance to any multi-family development, including the residential portion of a mixed-use development, which consists of five or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Planning or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage shall be 20 percent; for projects in which the low and moderate-income units are to be offered for rent, the appropriate set-aside percentage shall be 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (2) This requirement does not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- (3) Furthermore, this section shall not apply to developments containing four or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five or more.
- (4) The above standards shall not apply in the Mixed-Use Affordable Housing Overlay Zone ("MUAHOZ"). **[Added 4-23-2019 by Ord. No. 2019-08]**

**B. 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
50%	50%
75%	75%
100%	90%

- C. Fractional Units. If 15% or 20% of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

Example: an 8-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. **[Amended 4-23-2019 by Ord. No. 2019-08]**

- D. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- E. Off-site construction. The standards for constructing affordable units off-site, shall be in accordance with the Borough's recommendations, provided that at least the same number of affordable units are provided, not more than 25% are age-restricted, standard phasing requirements between market rate and affordable Certificates of Occupancy are adhered to, and the affordable units provided are otherwise consistent with the terms of the Settlement Agreement. **[Amended 4-23-2019 by Ord. No. 2019-08]**
- F. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

### § 225-31.3. New Affordable Housing Construction.

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. If there is only one affordable unit it must be a low-income unit.
- (3) The Borough Housing Element and Fair Share Plan requires that 13% of all affordable units approved or constructed since July 17, 2008 in the Borough 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. While this requirement applies to the entirety of the Borough's affordable housing percentage and it may not be imposed on each project individually, its application to each project will be evaluated on a case by case basis and may be imposed as a requirement of a newly constructed development.

- (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.

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 Sub-code, 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 Sub-code, N.J.A.C. 5:23-7, or evidence that the Borough of Spring Lake has collected funds from the developer enough 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 B. above shall be used by the Borough of Spring Lake 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 Sub-code, 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 Sub-code, 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 and the average rent for restricted low- and moderate-income units shall be calculated in accordance with UHAC regulations.
- (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.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be calculated in accordance with UHAC regulations, and each affordable development must achieve an affordability average shall be calculated in accordance with UHAC regulations, 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 percent 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.

**§ 225-31.4. Occupancy Standards for Affordable Housing.**

- 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) 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.

**§ 225-31.5. Control Periods for Affordable Housing 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 Ordinance until the Borough of Spring Lake 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 Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to 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



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control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

- G. At the time of the first non-exempt sale following a 30-year interval from the date of the issuance of the initial certificate of occupancy, the Borough shall have the right of first refusal to purchase a restricted ownership unit at the maximum restricted price in accordance with UHAC regulations at N.J.A.C. 5:80-26.5. If the Borough does not exercise its right to purchase the restricted unit, the unit may be sold at fair market value and the proceeds retained by the owner, subject to the owner's repayment of the recapture lien to the Borough as defined in N.J.A.C. 5:80-26.5.

**§ 225-31.6. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.**

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.

**§ 225-31.7. Buyer Income Eligibility.**

- 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 percent of median income.
- 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.

**§ 225-31.8. Limitations on indebtedness secured by ownership unit; subordination.**

- 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).

**§ 225-31.9. Control Periods for Restricted Rental Units.**

- 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 Ordinance until the Borough of Spring Lake 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. 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 Ordinance, 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.

**§ 225-31.10. Price Restrictions for Rental Units; Leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be 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 five percent 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 Ordinance.

**§ 225-31.11. Tenant Income Eligibility.**



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- 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 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 B (1) through (5) above with the Administrative Agent, who shall counsel the household on budgeting.

**§ 225-31.12. Affirmative Marketing Requirements.**

- A. Affirmative marketing shall be established and maintained in accordance with the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.
- B. The affirmative marketing plan shall be a part of the Fair Share Plan and shall be referenced by ordinance.
- C. The Borough 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.

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- D. 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 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.
- E. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- F. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- G. 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.
- H. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- I. 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.

**§ 225-31.13. Administration.**

- A. The position of Municipal Housing Liaison (MHL) for the Borough of Spring Lake is established by this ordinance. 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 Spring Lake.
  - (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 Spring Lake, 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.

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- (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 shall designate by resolution of the Borough Committee, 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) and shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- 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.
- E. The Administrative Agent shall also implement the rehabilitation program, affordability assistance program, and any other affordable housing programs required within the Spending Plan and adopted Housing Plan Element and Fair Share Plan.

**§ 225-31.14. Enforcement of Affordable Housing Regulations.**

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- 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 Borough 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 \$10,000.00 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 Spring Lake 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 Borough 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 Borough, 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

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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 Borough 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.
- 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.

#### **§ 225-31.15. Use of funds.**

The Borough shall use revenues collected in the affordable housing trust fund in accordance with N.J.A.C. 5:93-8.16.

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**§ 225-31.16. Monitoring and reporting requirements.**

The Borough shall submit a monitoring report to the Court as set forth in its settlement agreement with Fair Share Housing Center.

**§ 225-31.17. Spending plan.**

A. The Borough shall submit to the Court a spending plan for the development fees collected by it prior to the expiration of its Judgment of Compliance. Plans to spend development fees shall consist of the following information:

- (1) A municipality may use revenues collected from development fees for any activity approved by the Council for addressing the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, ECHO housing, purchase of land for low and moderate income housing, improvement of land to be used for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units to be more affordable and administration of the implementation of the housing element. The Borough shall also be permitted to use development fee revenues to attract other funds such as, but not limited to, available public subsidies and funds from private lending institutions.
- (2) Funds shall not be expended to reimburse municipalities for past housing activities.
- (3) At least 30% of the revenues collected from development fees shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance. Development fees collected to finance a rehabilitation program or a new construction project shall be exempt from this requirement. This requirement may be waived in whole or in part when the municipality demonstrates the ability to address the requirement of affordability assistance from another source.
- (4) Municipalities may contract with a private or public entity to administer the implementation of any part of its housing element, including the requirement for affordability assistance.
- (5) No more than 20% of the revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement: a rehabilitation program; a new construction program; an RCA; a housing element; and an affirmative marketing program. Administrative funds may be used for: income qualification of households; monitoring the turnover of sale and rental units; and compliance with Council monitoring requirements. Development fees shall not be used to defray the costs of existing staff. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

## **Appendix D. Affordable Housing Overlay Ordinance**



**§ 225-14.1. Affordable Housing Overlay Zone. [Added 12-12-2006 by Ord. No. 20-2006]**

- A. Purpose. The purpose of the Affordable Housing Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing.
- B. The Affordable Housing Overlay Zone shall be applied to Block 62, Lot 11.01, for the sole purpose of providing affordable housing in accordance with the provisions of this section and the 2005 Housing Plan and Fair Share Plan.
- C. Principal permitted uses.
  - (1) Multifamily residential, rental unit in accordance with the Council on Affordable Housing provisions.
- D. Accessory uses.
  - (1) Off-street parking facilities.
  - (2) Fences in accordance with the standards of § 225-18.
- E. Area, yard and building requirements. Requirements for multifamily residential buildings shall be the same as those provided for residential uses within the GC Zone; however, the minimum side yard requirements shall be a combined total of 25 feet, the maximum square foot per dwelling shall be 750 square feet, the maximum number of units shall be four, and the maximum gross floor area for a principal use shall be 3,500 square feet.
  - (1) Minimum lot area: 7,500 square feet.
  - (2) Minimum lot frontage: 50 feet.
  - (3) Minimum lot width: 50 feet.
  - (4) Minimum lot depth: 150 feet.
  - (5) Minimum side yard: combined total of 25 feet.
  - (6) Front yard: 20 feet.
  - (7) Minimum rear yard: 30 feet.
  - (8) Maximum building coverage: 50%.
  - (9) Maximum impervious coverage: 50%.
  - (10) Maximum gross floor area: 3,500 square feet.
- F. Parking standards. Multifamily dwellings shall provide two parking stalls per dwelling unit. Under the Residential Site Improvement Standards, Section 5.21-4.14 (c), alternative parking standards shall be accepted if the applicant demonstrates that other standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-



street parking resources.

- G. Consistent with the requirement of N.J.A.C. 5:80-26.3(a), at least half of the units shall be available to low-income households; the balance may be affordable to either low- or moderate-income households.
- H. Fifty percent of the residential units shall be age-restricted, meaning housing designated to meet the needs of, and exclusive for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of either (a) 62 years, or (b) 55 years and meets the provisions of 42 USCS § 3601 et seq., except that due to death a remaining spouse of less than 55 years of age shall be permitted to continue to reside.
- I. All dwelling units shall be affirmatively marketed in accordance with the Council on Affordable Housing regulations. All rental units shall be rented in accordance with the Council on Affordable Housing regulations.
- J. In accordance with N.J.A.C. 5:94-4.21, as of October 1, 2006, the Fair Housing Act requires that the first floor of all multifloor dwellings must be adaptable for use by physically disabled persons in order to be eligible for COAH credit.

**§ 225-14.2. MUAHCZ — Mixed Use Affordable Housing Contribution Zone. [Added 2-23-2016 by Ord. No. 2016-002]**

- A. Purpose. The purpose of the Mixed Use Affordable Housing Contribution Zone is to settle potential affordable housing litigation and involves the payment of an affordable housing fee in the amount of \$150,000 in lieu of construction of an affordable unit so as to assist the Borough in meeting its constitutional obligation to provide for its fair share of affordable housing.
- B. As used in this section "mixed use building" shall mean a building of a maximum of three stories with the ground floor consisting exclusively of nonresidential uses permitted in the RC, Retail Commercial District pursuant to § 225-13.A., with a second floor with two residential units and third floor with one residential unit. All development in the Mixed Use Affordable Housing Contribution Zone shall be in accordance with the provisions of a developer's agreement between Borough and the applicant.
- C. Principal permitted uses.
  - One mixed use building.
- D. Accessory uses. All permitted accessory and conditional uses authorized in the RC, Retail Commercial Zone pursuant to § 225-13.B.
- E. Maximum building height: Three stories and 35 feet.
- F. Area, yard and building requirements: All bulk requirements RC Retail Commercial Zone pursuant to § 225-13.D except as follows:
  - (1) Lot coverage: 84%
  - (2) Lot area: 7,000 square feet

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- (3) Lot width: 50 feet
- (4) Side yard Setback: 5 feet
- (5) Rear yard Setback: 27 feet
- (6) Building coverage: 82%
- G. Location of outdoor heating ventilation and air-conditioning equipment: Outdoor heating, ventilation and air-conditioning equipment shall be located in compliance with § 225-23 except there shall be a minimum setback of six feet from the property line.
- H. Stormwater control: The requirements and standards set forth in § 321 shall apply except that the recharge system may be located under the parking lot subject to the approval of the Planning Board Engineer.
- I. Off-street parking: The requirements and standards set forth in Section 225-21 shall apply except that four parking spaces shall be required in this zoning district.
- J. The provisions of § 225-13.F and § 225-13.H shall apply to development in the Mixed Use Affordable Housing Contribution District.

**§ 225-14.3. Mixed-Use Affordable Housing Overlay Zone. [Added 2-26-2019 by Ord. No. 2019-01]**

- A. Within the Mixed-Use Affordable Housing Overlay Zone, mixed use buildings, as further defined in this section, shall be a permitted conditional use subject to the standards set forth in subsection C below.
- B. As used herein a mixed-use building shall be a building with a ground floor story consisting of a non-residential principal use or uses otherwise permitted in the underlying zone and a minimum of one, but no more than two stories, of residential use over the first-floor non-residential use(s).
- C. Mixed-use buildings in the MUAHOZ zone shall meet the following standards:
  - (1) A minimum of 20% of the dwelling units in a mixed-use building shall be very-low, low, and /or moderate-income units and no mixed-use building shall have less than one very-low, low, or moderate-income unit.
  - (2) On-site/off-street parking shall be provided in conformance with the requirements of the New Jersey Residential Site Improvement Standards for all residential units in the mixed-use building.
  - (3) The maximum height of the mixed-use building shall be 35 feet.
- D. Except as provided in subsection C above, the zoning requirements for the underlying zone shall apply to mixed-use buildings.