



Fourth Round Housing Element and Fair Share Plan (2025-2035)



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EXECUTIVE SUMMARY

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Executive Summary

The Township of Brick started as a farming and sawmill town in the mid-1700s and transformed into a summer vacation destination after its incorporation in 1850. It continued to be a rural and resort area until major suburban residential and commercial growth occurred after the opening of the Garden State Parkway in 1950. The Township became a "bedroom" community for commuters to more urbanized centers to the north and west. The commercial nature of its transportation corridors provide jobs, shopping and recreational amenities also draws surrounding community traffic that puts stress on the local infrastructure. Traffic is by far the main quality of life issue that plagues the community. It is a double edged sword. The proximity and variety of commercial offerings provide convenience, but causes traffic and inconvenience. Regardless, the waterfront nature of the Township is a big draw in the summer months, and has become a year-round home to more than 73,000 residents. The beautiful parks, restaurants and community events bring families and senior citizens to move and stay here.

The origins of the development of the Township shaped its housing development patterns. The community is positioned in Northern Ocean County surrounded by other developing communities, north of Toms River, the county seat, east of Lakewood, south of Asbury Park in Monmouth County and east of the NJ State Capital, Trenton, NJ. The Township did not develop as a major industrial or institutional hub. Employment and commercial development had always been in service of the residents who were and are working class families. Before the opening of the Garden State Parkway, development in the Township was primarily rural. Laurelton, Osbornville, Burrsville and Herbertsville settlement areas were centralized around post offices that served 4,319 residents in the 1950s of these sparsely populated areas of the Township. River cottage communities including Breton Woods, Eagle Point, Midstreams, Cedarcroft, Riviera Beach, Godfrey Lake and Vanada Woods were located along Mantoloking Road, Princeton Avenue and Herbertsville Road where residents and vacationers enjoyed summers on the Metedeconk River, Manasquan River and Barnegat Bay.

Large-scale single-family subdivisions began to change the landscape after the Garden State Parkway opened in the late 1950's. Neighborhoods began to pop up with modest ranch and split-level style homes of less than 2,000 square feet where families could move out of the cities to the North from Essex and Bergen Counties. These subdivisions were primarily on small lots of 5,000, 7,500 and 10,000 square feet. Lots large enough for families to have a modest home, a garden and if they were lucky, a pool where the family and friends could recreate in the warmer months. In the mid-1970's senior citizen developments began to populate the Township and added another dimension to the character of the residential development. The development patterns continued into the 1990's when the available land began to diminish and population leveled off.

The Township lacks a defined commercial center and commercial uses were developed and zoned along the major county and state highways. However, the area between Brick Boulevard and Route 70 known as Brick Plaza, Shoprite Plaza and Kennedy Plaza have become the major commercial center and endorsed as such by the NJ State Planning Commission through the Plan Endorsement process. Another non-residential core in the Township was also identified through this process along Jack Martin Boulevard and Route 88 West as the Hospital Core, where the Hackensack Meridian Health Ocean University Medical Center and a concentration of medical offices and hospital supportive uses are located.

The important takeaways from the idyllic description of the character of the Township of Brick is that it was and is an inclusive community. Families that located here came to live and work in a community they could afford to have a good quality of life. Brick developed because it was affordable.

Continuing to provide affordable housing opportunities is important to the Township of Brick. This fair share plan provides a flexible approach with a diversity of strategies to create units and opportunity through zoning and affordable housing mechanisms:

- Single-family scattered site development
- Extensions of expiring controls
- Group Homes

- Multi-family Veterans Housing
- Approved Multi-family units in Round 4
- Middle Housing Overlay Zone



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Compliance in the Township of Brick, NJ

History of Prior Rounds of Affordable Housing

The Township of Brick has remained committed to providing opportunities for the development and retention of affordable housing since the early 1990's. The Township of Brick has a variety of housing types, a diversity of zoning opportunities and has committed millions of dollars for the development and retention of affordable housing units.

The Township achieved First Round and Second Round substantive certification for the Housing Element and Fair Share Plan and a Declaratory Judgement of Repose for the Third Round after developing a Vacant Land Analysis (VLA) and Realistic Development Potential (RDP).

COAH issued Fair Share numbers in 1986 which were calculated to apply to the first 6-year cycle: 1987-1993. COAH allocated to the Township of Brick a 1,032-unit fair share obligation. The Township received substantive certification of its first cycle fair share plan.

The Housing Element and Fair Share Plan for the second round was approved by COAH on August 4, 1999 and comprised the official plan for providing the fair share obligation of fair housing opportunities as mandated by the Municipal Land Use Law, N.J.S.A. 40:55D-28b(3); the Fair Housing Act: N.J.S.A. 52:27D-301 et. seq.; and the substantive regulations of the New Jersey Council on Affordable Housing, N.J.A.C. 5:92.

In 1994, COAH published new rules which extended the "first cycle" municipal fair share need to encompass a "second cycle", or six year period (1993-1999). The second cycle fair share numbers represent a municipality's twelve-year cumulative affordable housing obligation from 1987 through 1999. The Township's pre-credited need for the second cycle was 1,022 units. The second cycle obligation was comprised of 92 rehabilitation units and 930 prospective need units. On August 4, 1999, COAH issued substantive certification to the Township for its second cycle obligation. The Township submitted a Second-Round amendment on May 2, 2002 that was pending before the Council at the time of the first iteration of the Third Round Rule. That amendment sought to remove some previously referenced affordable housing sites and replace them with other sites that were more realistic for development. The Second Round Amendment was not acted upon by COAH.

Subsequent to the delays in the Third Round, the Township filed a motion to be appointed a Court Master and consideration as a "Court Town." A Third Round Plan was adopted and submitted to the Court and the Township has continued to plan and build affordable units despite the quagmire at the State level, through partnerships with Homes Now, Inc., Ocean County ARC, The NJ Department for Developmentally Disabled and the NJ Housing and Mortgage Finance Agency.

On December 4th of 2015, the Township adopted its third Fair Share and Housing Element of the Master Plan to demonstrate compliance with all prior and the current round of affordable housing compliance in accordance with N.J.A.C. 5:93:3-4. In July of 2015, the Township received a Declaratory Judgement motion which provided a judicial determination that The Township's Housing Element and Fair Share Plan satisfies its fair share of the regional need for low- and moderate-income housing pursuant to the Mount Laurel doctrine. The Township was granted immunity by the Court from exclusionary zoning lawsuits. The Township worked with Philip B. Caton, PP, FAICP, the court appointed Master, to arrive at the Township's Third Round Obligation numbers and



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negotiate mechanisms at which the Township pursued compliance under the Third-Round time frame which ended in 2025. The crux of the Township's Third Round Obligation was dependent upon the acceptance of a Realistic Development Potential (RDP) analysis and Vacant Land Analysis (VLA) conducted by the Township to determine the future development potential in the Township and negotiated mechanisms to achieve compliance with the "Third Round Obligation." The Township worked over the ten years of the Third Round in difficult circumstances due to the economic downturn and the recovery being experienced from damages to more than 3,000 structures from Super Storm Sandy.

Fair Share Round Summary:

Substantive certification of its first cycle fair share plan (1987-1993)	Obligation= 1,032-units	
Second cycle obligation (1993-1999)	Obligation= 1,022 units (92 rehabilitation and 930 prospective need units)	Renamed "Prior Round"
Third Round (1999-2025)	Obligation = 1,133 Units	Settled with a 105 Unit RDP

Table 1

The Township has maintained compliance with the Mount Laurel Doctrine by continually providing opportunities for affordable units and does not, nor ever did, practice exclusionary zoning. The Township was compliant in the first two rounds of the Affordable Housing Program now known as "Prior Round." The Township continually creates affordability opportunities for an integration of new housing units for families and individuals at all income levels. Rental assistance, extensions of expiring controls, affordability assistance, partnerships with non-profits for new affordable housing and supportive and special needs housing and monitoring of existing controlled properties are included in the Township's Affordable Housing program with the assistance of Homes Now, Inc. as the Township's Affordable Housing Administrator. However, In Round Three, the Township decided to object to the assigned obligation of 1,133 Units. Instead, the Township sought to perform a Vacant Land Analysis due to the developed nature of the community and was approved by the Special Court Master and entered into a settlement agreement with the Fair Share Housing Center for a Realistic Development Potential (RDP) of 105 units based on mapping and parcel data analysis validating the lack of vacant developable land.

The following Round 3 Realistic Development Potential Methodology was provided on October 15, 2015 and accepted by the Special Court Master to establish an RDP of 105 Units:

- 1. An excel spreadsheet of all of the privately owned, property class #1 (vacant), within the township was provided by the Tax Assessor. This is the most up-to-date data available. The properties were sorted by size and removed all parcels that were less than 5,000 square feet.
- 2. The following properties were excluded from the Realistic Development Potential calculation:
 - a. Land that is owned by the township, county, state and federal government or non-profits as active recreation or preserved lands or lands identified as set aside for "public" purpose on the Township's Land Use map and listed on the Township or County NJDEP Green Acres Recreation and Open Space Inventory and protected by a Declaration of Encumbrance for Recreation and Conservation Purposes.
 - b. In accordance with 5:93-4.2(e) 2 i.,ii, all lands identified as inland wetlands, on the New Jersey Freshwater Wetland Maps and flood hazard areas including 50' buffers.



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- c. Beaches and Islands these areas were excluded due to the fact that they were located on dune areas and in areas that are currently shown on our tax maps as mostly coastal wetlands or are privately owned by homeowner associations as recreational properties.
- d. Properties mapped in FEMA NFIP special flood hazard areas.
- e. Utility Authority or Company owned lands properties owned by Ocean County Utilities Authority, Brick Township Utilities Authority, JCP&L, NJ Bell, or other utility entities were excluded.
- f. Properties outside of the approved Sewer Service Areas. A few properties in the Township have been protected from intense development through the Plan Endorsement Process and kept from being included in the Sewer Service Areas. These areas are appropriate for low-density (1-acre per lot) development with septic systems, due to their environmental constraints.
- 3. Properties that are currently under construction were excluded from the calculation as they are no longer considered vacant.
- 4. Properties were then evaluated based on land use, zoning, residential site improvement standard regulations, wetlands and flood hazard development regulations, C-1 Waterways, NJ State Plan Planning Areas, and other considerations including the suitability of the lots for development based on shape and access.
- 5. GIS was utilized to create overlay mapping to confirm the data provided by the Tax Assessor and identify the wetlands, flood hazard areas, zoning and land use data.
- 6. The Township of Brick is located in the NJ Coastal Areas Facility Review Act area and as such, whenever a development occurs within 150' of the mean high-water line or a development of 75 units, or the equivalent of 150 parking spaces, must comply with the impervious cover (30%) and vegetative cover requirements (25%) for the associated Planning Area 2 and Planning Area 5 mapped areas. This limits the lot coverage on a particular parcel. In addition, the Township has an impervious cover limitation of 70% and 65% on lots in the densest zones. Setback limitations from front, rear and side yard further limit the developability of a parcel to maintain the quality of life in the neighborhood for which undersized lots may exist. Allowing for additional density in these areas is problematic for a number of reasons; most of which include the fact that the remaining vacant parcels most likely have severe environmental constraints such as wetlands and floodplains.
- 7. The Township of Brick has been nearing full build-out over the past 30 years. Any growth that has occurred has been infill development on environmentally constrained lands, small two-lot subdivisions on bullheaded lagoon properties or re-development of formerly commercial properties that have been redeveloped to allow low-density residential uses in the Village Zone.
- 8. The roadway infrastructure in the Township does not lend itself to large multi-family dense residential development. The main thoroughfares through the Township are NJ State Highway 70, which is a multi-lane divided highway through the center of the commercial district and Route 88 that is an under-designed two-lane roadway that needs infrastructure upgrades from the State of New Jersey Department of Transportation and Jersey Central Power and Light to move telephone and electrical poles out of the road right-of way. Ocean County controls Mantoloking Road, Herbertsville Road and Drum Point Road which are two-lane highways primarily with low-intensity commercial uses. Burnt Tavern Road and Chambers Bridge Road are County roadways that are divided and are sufficiently sized for the development patterns they serve.



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Status of Third Round

While the Township continued to attempt to make progress on the Third Round Plan, a number of proposed projects and activities never came to fruition, or have yet to be realized. However, other projects did produce credits for which the Township can reach compliance.

The RDP of 105 included the following:

Total Third Round Obligation	105	RDP		
TOTAL CREDITS	105	V-200	Salatana .	
Remaining	0	CREDIT	SURPLUS	
Obligation Requirements and Caps	Permitted or Required	Provided	Compliance	
Minimum Number of Rentals (5:93-5.15)	27	- 56	YES	
Maximum Number of Age-Restricted Units (5:93-5:14)	26	26	YES	
Maximum Rental Bonus Credits	27	27	YES	
Third Round Compliance Mechanism Summary	Affordable Units	Potential Bonus Credits	Total Credits	Comments
FOR SALE	22	٥	22	
Family For-Sale	22		22	
Extension of Expiring Controls	18	0	18	8 completed, 10 remaining for RDP, plus 2 remaining to unmet need
Scattered Site Units	4	0	4	Remaining 66 applied to unmet need
RENTALS	56	27	83	Nacional Consideration of the Constant of the
FAMILY RENTAL	30	27	27	
Waterside Gardens (carry-over)	21	18	39	
Ocean Pointe/ Brick Gardens	9	9	18	Proposed
AGE RESTRICTED RENTAL	26	0	26	
Brandywine Assisted Living	10	0	10	Bonus removed due to cap
Reflections at the Gables Assisted Living	5	0	5	Bonus removed due to cap
Shorrock Gardens Care Center	3	0	3	Bonus removed due to cap
The Worthington	8	0	8	Bonus removed due to cap
TOTALS	78	27	105	17/17/21/7/17/20/20/20/20/20/20/20/20/20/20/20/20/20/

Table 2

The Township accomplished 22 Extensions of Expiring Controls. (a surplus of 4)

Scattered Site Single-Family Housing has not yet been realized, however, the Township is working with Northern Ocean Habitat for Humanity to deed Township owned property to build scattered- site units and anticipates completion of these units in the 4th Round.

Forge Pond – This development is completed and was completed at the time of the Settlement Agreement.

Ocean Pointe/ Brick Gardens project has not been approved or developed – the applicant changed the development proposal to an Assisted Living facility and received approval in 2009. Nine (9) Medicaid Beds are included as part of this project the Township can take credit for in Round 4.



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Table 3

The Unmet Need was calculated at 246. The Scattered Site program and the 40 Veterans Project credits were not created by the end of the Third Round and will be carried forward to the 4th Round Plan. The Veterans Project has been scaled down to 8 family rental credits and the scattered site program will be addressed through partnerships with Northern Habitat for Humanity and Homes Now, Inc. to make opportunities for single-family residential for-sale units.

Township of Brick Credits Towards Unmet Need				
Project	Credits			
Scattered Site Program	66			
Veterans Project	40			
George J. Conway Apartments	12			
David M. Fried Apartments	41			
Forge Pond- Chambers Bridge (126-39 to make up for 39 lost from Waterside Ga	87			
Total	246			

The Age Restricted Rental units were existing at the time of the settlement agreement and has or will provide crediting documentation to the Special Court Master. The Township has been very successful in retaining existing units including the Chambers Bridge Residence that has 178 age restricted apartments and 8 special/supportive needs apartments. Full credit for this project has not been taken and placed in unmet need. Additionally, it has been discovered that credit for 6 family-rentals at Tudor Village was not captured in the prior rounds.

Actual Units

The Township of Brick has more affordable housing units in the Township than we can earn credit for due to the large number of Age Restricted units. The combination of the Prior Round and Third Round mechanisms documented a total of 238 Special/Supportive Needs Beds, 442 age restricted rental apartments, 25 Assisted Living Beds, 32 Scattered Site Single Family Homes owned by Low-Moderate Income Families, and 22 family rentals totaling 759 units. This does not include the credits without controls of 412 provided through the extensive survey the municipality completed in the First Round or the bonus credits that could not be applied because of the cap on Age Restricted housing at 25% of total units. This totals 1,165 actual units that provide affordable housing in the Township of Brick.

In preparation of the Fourth Round, an additional 12 Supportive/Special Needs/Group Homes are creditworthy and the Township is working with Northern Ocean Habitat for Humanity and Homes Now, Inc. to provide additional family rental and for-sale Single Family Residential units.

Round 4 Obligation

The NJ DCA Report calculated Brick Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 149 units and a Prospective Need or New Construction Obligation of 360 units.

The Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations. The DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor.

The Township staff reviewed the lands identified by the DCA for the land capacity factor and found it to be wholly inaccurate and unusable. It utilized MOD-IV Property Tax List data from 2023, which is the most recent



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data available, however, does not reflect the current supply of available land for development and it does not accurately reflect the realistically developable vacant land in the Township of Brick.

It appears that DCA not only utilized the MOD-IV Class 1 category for Vacant Land, but included lands that are not vacant, but of a governmental purpose and public property — lands classified as Class 15C include government agencies and utilities. This skews the calculation of vacant land in that it includes hundreds of acres of land that are not realistically developable as they are in active public use.

The DCA analysis also includes land that is under construction or have active development approvals. Additionally, the DCA included lands owned by and lands permanently preserved through conservation easements, subdivision or site plan buffers and lands included on the Township's NJ Green Acres Recreation and Open Space Inventory that are deed restricted for conservation or recreation purposes.

A few instances of the lands that were erroneously utilized to establish Brick's obligation included the following:

- a portion of the land at the Department of Public Works Yard where composting and salt storage are utilized and where the Department of Public Safety utilizes berms and buffers for the police firearms training.
- Forested acreages that serve as buffers and secure areas at utility facilities such as the Ocean County Utility Authority Northern Sewage Treatment Plant, Brick Township Utility Authority water towers and water quality treatment facilities.
- Lands that are deed restricted as a result of NJ Costal Areas Facility Review Act conservation and green areas for residential and commercial vegetative and forested buffers.
- Class 15 D Church and Charity properties were also included, that added a considerable amount of acreage to the analysis. For example, the buffer between the baseball fields at St. Dominic's Church and the Kentwood Apartments and the buffer around the Orthodox Church of the Annunciation and Fortune Avenue neighborhood were identified as vacant and developable. These buffers are restricted for development as part of their site plan approvals and cannot be built upon.

The DCA GIS analysis included forested undeveloped portions of lots that are at least 2,500 square feet regardless of configuration, available access, current uses on the properties or zoning. It would take too much time, and effort to untangle each one of these parcels and provide a rational for why they were not appropriate for the analysis as it would have not proved a fruitful exercise that could inform a new Housing and Fair Share Plan.



Strategy for Compliance

The Township of Brick prepared a Vacant Land Analysis (VLA) and Realistic Development Potential (RDP), as was utilized in the Prior Round for which the Township's analysis was found acceptable by the Court for the establishment of an RDP of 105 in 2018.



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The VLA/RDP Analysis utilized GIS MOD-IV parcel layer, NJDEP GIS environmental constraint data including wetlands, flood zones, steep slopes, Sewer Service Areas (SSA), NJ State Plan Planning Areas including Critical Environmental Sites (CES), and Planning Area 5's (Environmentally Sensitive Areas), construction permit data, land use board approvals, current use, zoning, density allowances, Coastal Areas Facilities Act (CAFRA) constraints, and accessibility to identified developable lands that may accommodate development. The methodology for our analysis is provided herein:

- 1. Wetlands and Special Flood Hazard GIS data was clipped to the Parcel layer and subtracted from the total acreage of each parcel.
- 2. The remaining acreage was multiplied by the allowable impervious cover limitation for each zone.
- 3. The remaining acreage was multiplied by the dwelling unit per acre for each zone. *Residential Zones were based on the minimum lot size and the Commercial lots were based on 6 dwelling units per acre (presumptive density) to arrive at the Build Out for that property.
- 4. The Build Out (total possible units) was then multiplied by 20% to derive the Realistic Development Potential of Affordable Units.
- 5. The parcels were analyzed to determine the developability and status of development due to the fact that the data is 2 years old using permit, construction approvals, aerial photos, land use board approvals and site inspections.
- 6. Properties that have steep slopes, are not in Sewer Service Areas, in CES or PA5's, are currently developed, have development approvals and are in the permitting process and are in CAFRA Zones or require significant stormwater facilities that are too small to build on to yield affordable units from a minimum presumptive density of 6 dwelling units per acre were subtracted out and noted in the OTHER column and noted.

Recommended 4th Round Obligation based on RDP

After concluding the analysis as described above, the properties that have been identified as vacant, realistically developable and contributing to the development of affordable units potentially will yield at build-out, 145 units providing 29 affordable housing units.

Regarding the Present Need obligation of 149, the Township has a robust Housing Rehabilitation Program that is partly funded by the U.S. Housing and Urban Development Community Development Block Grant Program and is committed to continuing to provide income-qualified residents of the Township with this programmatic support and accepts the obligation of 149. However, based on the foregoing analysis and current realistically developable land inventory, we recommend that the Prospective need be modified as an RDP of 29.



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Below is the analysis that demonstrates the contributing parcels to the VLA/RDP. This excel spreadsheet lists the parcels that were utilized for the data analysis with notes.

ID	BLK_LOT	PROPERTY_L	PROPERTY_Z	Zone Imp. Cov * Remaining Vacant Land(column S (subtracted Wetlands &Flood Zones)) = Developable Area	DA*du/ac by Zone=Build Out in Units	RDP of AH Units (20%*Units)	OWNER_OWNE	CUSTOM_ACR	Planning Area	OTHER
432	685-7.02	1253 CEDAR BRIDGE AVE	B3	16.601	99.606	19.9212	AVENUE HOLDINGS LP &TAMKAR CB LLC	25.54	PA2 - CORE	Developable
428	1108-17	BURNT TAVERN RD	M1	5.1415	30.849	6.1698	ANCHOR CONCRETE PRODUCTS INC	12.86	PA2	Developable
396	1170-15	956 ROUTE 70	HS	2.52	15.12	3.024	MERIDIAN HEALTH REALTY CORP	3.60	PA2 CORE	Developable
			TOTAL	24.2625	145.575	29.115				
		Sorted Out Lots	That Are Not Conti	ributing Due to Other Reasons - S	ee OTHER*	parameter and the same of the		-	1	
406	1383-7.01	561 HERBERTSVILLE RD	RM	3.25	19.5		561 HERBERTSVILLE LLC	5.00	PA2	Approved 14 lot SFR Subdivision
421	1171-2	1568 ROUTE 88	HS	6.062	36.372		BDJK LLC	8.66	PA2 - CORE	Approved Assisted Living Facility
377	547-22.01	BRICK BLVD.	B2	1.208025	7.24815		P.S.D. CORP INC	1.86	PA2	Behind Enzo's Pizza
410	1108-6	949 BURNT TAVERN RD.	M1	3.51	21.06		SELMAN SAVINO PROPERTIES LLC	5.40	PA2	Car Dealership Lot
401	756.01-6	1404 GREEN GROVE RD.	R75	1.794	10.4052		AJ SKORA INC	4.25	PA5	CES - No Sewer Service
386	1170-14.01	1650 ROUTE 88	HS	1.862	11.172		MERIDIAN HEALTH REALTY CORP	2.66	PA2 CORE	Detention Basin & Parking Lot
404	1170-16	970 ROUTE 70	HS	3.262	19.572		MEDICAL CENTER OF OC%HACKENSACK MER	4.66	PA2 - CORE	Developed - VA Hospital & Daycare
384	1067.07-16	575 BURNT TAVERN RD	OPT	1.491	8.946		WEISLEDER INC	2.39	PA2	Developed Car Dealership
380	902-2	2045 ROUTE 88	B2	1.342965	8.05779		EVER UPWARD LLC	2.07	PA2	Developed Brewery
382	446-3	525 ROUTE 70	B4	1.533	9.198		BRICK 70 DEVELOPERS LLC	2.19	PA2 CORE	Developed Car Dealer
108	381-3	151 BRICK BLVD.	B3	3.341	20.046		TAC BRICK LP	5.14	PA2	Developed Self Storage Facility
395	381.05-14	BRICK BLVD.	B2	1.534	9.204		HOF LIVING TRUST	3.52	PA2 -CES	Less than 6 du developable due to CAFRA
399	1422-7	743 SCHOOLHOUSE RD.	R15	2.156	6.261024		BUTRYN, RICHARD S & MARY ELLEN	3.92	PA2	Less than 6 units due to stormwater
427	382-6	84 BRICK BLVD.	B3	1.2415	7.449		BAKER, ROBERT C. ETALS	11.92	PA2	No Access
407	1212-6	00 BURNT TAVERN RD.	R75	1.625	9.425		KELEHER, K L & W J, HORNING, J & E	5.12	PA2	OPEN SPACE Acquistion
376	1026-20	2225 ROUTE 88	B2	1.1245	6.747		2225 ROUTE 88 REALTY LLC	1.73	PA2	Self Storage Approval
402	1149-6	ASKIN ROAD	B3	2.925	17.55		CENTRO NP LAUREL SQ OWNER LLC %	4.50	PA2	Steep slopes/limited access between @Hor
389	701-10	ELMWOOD DR.	B3	1.8395	11.037		CROSBY, JOHN, KARYN & DAVID	2.85	PA2	Wetlands & Not in Sewer Service Area
			Total	41.10149	239.250164			77.83		
_		Notes: DA (Developable Acres	i) *du/ac Zone = B	uild Out Density per Zone	Methodology:				,	l.
R-5=8.71/ac R-7-5=5.80 du/ac R-10=4.35 du/ac R-15=2.90 du/ac R-20=2.17 du/ac R=1.089 du/ac V= 2 du/ac B 20nes=6 du/ac H5 Zones=6 du/ac M-1 Zone=6 du/ac OPT Zone=6 du/ac					Wetlands and Spe The remaining ac The remaining ac were based on 6 du The Build Out (to The parcels were Properties that are	cial Flood Hazard C creage was multipli reage was multipli /acre (presumptive tal possible units) v analyized to detern not in Sewer Service	ss 1 - Privately Owned parcel layer data was utiliz Sid data was (lopped to the Parcel layer and subtra- ted by the impervious cover limitation for each zore de the developed of the contraction of the contraction destricts of the contraction of the contraction of the was then multiplied by 20% to derive the Realistic fur- mine the developability and status of developmen the Areas, are already developed, have developmen re too small to build on to yield affordable units we	cted from the totale. esidential Zones w ty. evelopment Poter t due to the fact th t approvals and ar	I acreage of each ere based on the ntial of Affordalboat the data is 2 yo e in the permittin	minium lot size and the Commercial lots to Units. ears old. g process and are in CAFRA Zones or require

Table 4

DEFINITION

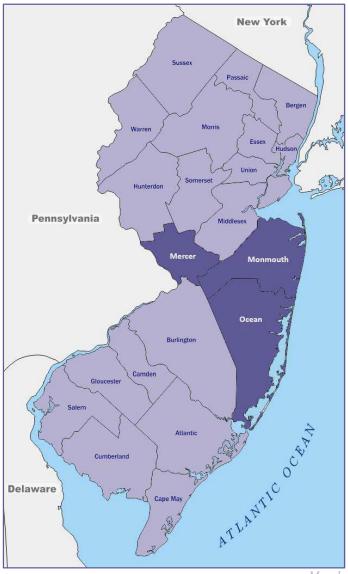
What is Affordable Housing?

Affordable Housing is defined by the State of New Jersey as housing that is affordable to households that earn less than 80% of the median gross household income for households of the same size within the housing region. There are three categories of affordable housing:

Very-low income households – these are households that earn equal to or less than 30% of the median gross household income for the housing region. The NJ Affordable Housing regulations require that a minimum of 13% of a municipalities' affordable housing plan provide for very-low-income households.

Low-income households – these are households that earn more than 30% and less than 50% of the median gross household income for the housing region. The NJ Affordable Housing regulations require that a minimum of the municipalities' obligation is satisfied with 50% of the units meeting the low-income category.

Moderate-income households — these are households that earn more than 50% and less than 80% of the median gross income for the housing region. A maximum of 50% of affordable units in a housing plan may be addressed through moderate-income households.



Map 1

The Township of Brick is in Housing Region 4. This includes Ocean, Monmouth and Mercer Counties.

Household Size	Very Low	Low	Moderate
1	\$27,311	\$45,519	\$72,830
2	\$31,213	\$52,022	\$83,234
3	\$35,115	\$58,524	\$93,639
4	\$39,016	\$65,027	\$104,043
5	\$42,134	\$70,229	\$112,367
6	\$45,259	\$75,431	\$120,690

Table 5: 2024 Affordable Housing Regional Income Limits by Household Size Housing Region 4
*As of April 2024



DEFINITION

Housing Stock in the Township of Brick

As stated in this document, the Township of Brick has not participated in exclusionary zoning. This is evident when an analysis of the types of housing units that exist in the municipality is provided. The average housing unit, size in the Township is 1,710 square feet. The average lot size of residential lots in the Township is 7,500 square feet. That is not exclusionary zoning. Large lots and large building coverage allowances drive exclusionary zoning. The most predominant housing type is found in the R-7.5 Zone (7,500 s.f. lots) where you'll find the smallest size housing units by square feet.

Township of Brick Average Housing Unit Square Footage by Zone					
Zone	Housing Units	Average Square Footage			
Single Family R-5 Zone (5,000 s.f. lot)	3,480	2,025			
Single Family R-7.5 Zone (7,500 s.f. lot)	13,850	1,656			
Single Family R-10 Zone (10,000 s.f. lot)	2,879	1,862			
Single Family R-15 Zone (15,000 s.f. lot)	717	2,270			
Singe Family R-20 Zone (20,000 s.f. lot)	938	2,341			
Single Family R-R Zones (40,000 s.f. lot)	4,749	1,377			
Village Zone (Mixed use 7,500 s.f. lots)	183	1,525			
RM Zone (Multi-Family Residential) & Condos	7,919	1,148			
	34,715	17,103/10= 1,710 s.f.			

Table 6 – Township of Brick Average Housing Unit Sq. Ft. by Zone



*R-R Zones allow for clustering in agerestricted developments

The Township has a variety of housing types including the single-family home of which there are 26,6625. These homes are in the R-5, R-7.5, R-10, R-15 and R-20 Zones in the Township. These homes vary from bungalows and cottages in the older neighborhoods to larger single-family homes recently built to replace smaller cottages in waterfront communities. Larger homes also occupy the R-15 and R-20 Zones in the northern sections of the community.

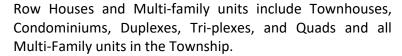
This can be seen by the photo on the following page, where small bungalows in lagoon communities have been replaced by larger homes.



DEFINITION



Another category of single-family homes includes agerestricted communities. These account for the majority of homes in the R-R Zones 4,771 units. These units are deed restricted to the 55 years old and older community and are a significant portion of the township's residents, making up more than 27% of the population.



Apartments are another housing type in the Township that is located in Multi-family Zones and developed Affordable Housing Zones. In the prior rounds of the Affordable Housing program, the Township was proactive in building and permitting apartments. These are primarily located in the Brick Town Center where shopping and access to transportation routes exist. The Brick Township Housing Authority manages 266 units in three buildings and 120 Housing Choice Vouchers. Another large age-restricted apartment building known as Chambers Bridge Residence has 175 units.

There are also two Mobile Home Parks in the Township which account for more than 175 units.







More recently, the Nobility Crest development, a mixed-use project with townhomes, apartments and commercial space was finished and occupied in the Brick Town Center with 168 units that are comprised of townhomes and apartments above a commercial center.



DEFINITION



Housing Type	Number
Single-Family	26,625
Age Restricted	4,771
Multi-Family (Row-Houses, Townhouses, Condominiums, Duplexes, Tri-plexes and Quads)	4,171
Apartments	2,398
Mobile Homes	150

Table 7 – Housing Types

Public reception of Developments

This plan is designed to encourage public input and provide clarifying information about what affordable housing is. The Not in My backyard (NIMBY) movement can only be countered when the public has access and input to accurate information. This plan strives to be that information source.

Development applications are increasingly becoming more and more contentious in the public venue. Developers are reticent to make applications when variances are needed, or even when they are not, because public meetings can draw on for months and some residents hire objecting attorneys to challenge the proposals.

Boards are increasingly required to hold meetings in larger venues due to the inability to house the audiences that are afforded their right to participate when the legal capacity of a meeting space is exceeded. This increases the cost to the municipality for venue security and space, additional experts to review the testimony and reports brought by applicant's professional experts. This expense is usually passed onto the developer with no guarantee of approvals. Even if a particular property is zoned for a multi-family use, any developer will have to plan for a long-drawn out, expensive land use review process.



AFFORDABLE HOUSING IN BRICK

Affordable Housing in the Township of Brick

As stated in the Executive Summary, the Township of Brick has never utilized exclusionary zoning and has consistently provided for opportunities for affordable housing through zoning and a robust Affordable Housing program that looked for creative ways to build senior, special needs and single-family scattered site housing utilizing partnerships and Affordable Housing Trust Funds to make the projects a reality.

Township of Brick Affordable Housing Round Summary				
Rounds	Units			
Round One (1987-1993)	1,032			
Round Two (1993-1999)	1,022			
Round Three	105 (RDP)			
2,159 units/credits				

Table 8

Fair Share Plan

New Jersey Department of Community Development calculated Brick Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 149 units and a Prospective Need or New Construction Obligation of 360 units.

The Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations. The DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor.

As stated earlier, the Township reviewed the lands identified by the DCA for the land capacity factor and found it to be wholly inaccurate and unusable. It utilized MOD-IV Property Tax List data from 2023, which is the most recent data available, however, does not reflect the current supply of available land for development and it does not accurately reflect the realistically developable vacant land in the Township of Brick.

Therefore, a Vacant Land Analysis (VLA) and Realistic Development Potential (RDP) was conducted, utilizing the same methodology as was provided in the Prior Round for which the Township's analysis was found acceptable by the Court for the establishment of an RDP of 105.





AFFORDABLE HOUSING IN BRICK

The VLA/RDP Analysis utilized GIS MOD-IV parcel layer, NJDEP GIS environmental constraint data including wetlands, flood zones, steep slopes, Sewer Service Areas (SSA), NJ State Plan Planning Areas including Critical Environmental Sites (CES), and Planning Area 5's (Environmentally Sensitive Areas), construction permit data, land use board approvals, current use, zoning, density allowances, Coastal Areas Facilities Act (CAFRA) constraints, and accessibility to identified developable lands that may accommodate development. The methodology for the analysis is provided herein:

- 1. Wetlands and Special Flood Hazard GIS data was clipped to the Parcel layer and subtracted from the total acreage of each parcel.
- 2. The remaining acreage was multiplied by the allowable impervious cover limitation for each zone.
- 3. The remaining acreage was multiplied by the dwelling unit per acre for each zone. *Residential Zones were based on the minimum lot size and the Commercial lots were based on 6 du/acre (presumptive density) to arrive at the Build Out for that property.
- 4. The Build Out (total possible units) was then multiplied by 20% to derive the Realistic Development Potential of Affordable Units.
- 5. The parcels were analyzed to determine the developability and status of development due to the fact that the data is 2 years old using permit, construction approvals, aerial photos, land use board approvals and site inspections.
- 6. Properties that have steep slopes, are not in Sewer Service Areas, in CES or PA5's, are currently developed, have development approvals and are in the permitting process and are in CAFRA Zones or require significant stormwater facilities that are too small to build on to yield affordable units from a minimum presumptive density of 6 dwelling units per acre were subtracted out and noted in the OTHER column and noted.

Prospective need

After concluding the analysis as described above, the properties that have been identified as vacant, realistically developable and contributing to the development of affordable units potentially will yield at build-out, 145 units providing 29 affordable housing units.

Subsequent to the municipality adopting the resolution rejecting the Prospective Need described above, three challenges to the Township's resolution were filed in court; Fair Share Housing Center, NJ Builders Association and 975 Burnt Tavern Road. The Township's Affordable Housing Attorney filed motions to vacate the objections. The court vacated 975 Burnt Tavern Road because it had not followed the procedures that require providing an alternate analysis. Fair Share Housing and the NJ Builders Association objections were scheduled for conference. Prior to the conference, the Township worked with the Fair Share Housing Center to find a reduction in the Prospective Need. The Township staff analyzed the NJDCA GIS data and proposed a reduction of vacant land to reduce the Land Capacity Factor. The Township proposed a reduction from 178 acres of vacant developable land to 51 acres. This reduced the Township of Brick Land Capacity Factor from 1.58% to 0.78%.

The Land Capacity Factor is this averaged with the remaining two allocation factors, the Income Capacity Factor and the Non-Residential Valuation Factor. In Brick these are 2.26% and 3.97% respectively. These are added and divided by 3 to arrive at the 2.338% which is Brick's average allocation factor for FSHC's model.



AFFORDABLE HOUSING IN BRICK

The average allocation factor is the town's share of the regional need. In Region 4 the total need is 13,822 and so 2.338% of 13,822 is approximately 322.

On March 28, 2025, the Township had a conference with the assignment judge, the Special Adjudicator, Fair Share Housing and NJ Builders Association and agreed to accept the reduced present need of 322 with the understanding that they would be including a Realistic Development Potential of 29 and provide an overlay zone to meet the requirement to provide for 25% of the reduced number through zoning described in sections to follow:

Present Need

Regarding the Present Need obligation of 149, the Township has a robust Housing Rehabilitation Program that is partly funded by the U.S. Housing and Urban Development's Community Development Block Grant Program and is committed to continuing to provide income-qualified residents of the Township with this programmatic support and accepts the obligation of 149.

Examination of Credits / Units

One category of affordable housing that has not been considered in either prior round and cannot be included as a controlled category is the administration of the Brick Housing Authority Housing Choice Vouchers. 120 Housing Choice Vouchers are issued through the Brick Housing Authority and, of course, are not required to be used in the Township, however, are most likely utilized regionally. This is a significant number of families that are provided affordable, housing and should be acknowledged. Additionally, the Township has provided affordable housing in the prior rounds as included below.

Township of Brick Prior Round Obligation = 930 Units Bonus Total Change **Notes** Mechanism Credits w/o Controls 412 412 **Inclusionary Family For Sale** Timber Ridge 12 12 100% Affordable Family For-Sale 20 20 **Scattered Sites Inclusionary Family Rental** Waterside Gardens 8 8 -8 Not completed Victorian Gardens 16 16 32 100% Affordable Age-Restricted Rentals Existing **George Conway Apartments** 113 113 Prior Cycle: 12 bal. unmet need Forge Pond- Chambers Bridge 17 17 126 bal. unmet need Residence *Cap Alternate Living Arrangements - Existing 203 317 Various 114 930 Totals 800 130 -8



AFFORDABLE HOUSING IN BRICK

The status of the Prior Round demonstrates a deficit of 8 credits for the Waterside Gardens project that was not completed due to the sale of the apartment complex and the unwillingness of the current owner to participate. This leaves a deficit of 8 units from the prior round.

Table 10

	_				
Township of Brick Third Round RDP = 105					
Mechanism	Units	Bonus	Total	Change	Notes
100% Affordable Family Fo	r-Sale Ex	isting -22			
Ext. of Controls	18		18		18 of 20 unmet need, 23 completed
Scattered Sites	4		4		4 of 70; 66 unmet need
Inclusionary Family Rentals	s – Propo	sed -30			
Waterside Gardens	21	18	39	*39	21 of 29
Ocean Pointe	9	9	18	-18	Not completed
100% Affordable Age-Resti	ricted Re	ntals – Ex	isting -2	.6	
Brandywine	10		10		Medicaid; established 1998
Reflections/Gables	5		5		Medicaid; established 2002
Shorrock Care Center	3		3		Medicaid; established 2000
The Worthington	8		8		Medicaid; established 1999
Totals	78	27	105	-57	

Township of Brick Third Round Unmet Need =1,035					
Mechanism	Units	Notes			
100% Affordable Family For Sale					
Extension of Controls	2	2 of 20:			
Scattered Sites	66	66 of 70 – not met			
Alternative Living Arrangements					
Veterans Project	40	40 proposed; 8 still viable – 32 credits not			
		met			
100% Affordable Age-Restricted Rentals	100% Affordable Age-Restricted Rentals				
George J. Conway Apts.	12	Prior Cycle; 12 of 125			
David M. Fried Apts.	41	Age-Restricted; Prior Cycle			
Forge Pond – Chambers Bridge	126	126 of 143			
Residence					
Total	247	-38 from table in HEFSP			

Table 11

100% Family For Sale -The status of the Third Round reveals an excess in the planned Extension of Expiring Controls, where 18 were credited and 2 were applied to unmet need. 23 Extensions of Expiring Controls were accomplished providing an excess of 5 credits. The economic downturn, Super Storm Sandy and the Pandemic caused housing and land prices to skyrocket. These conditions sidelined the Township's Scattered Site Program.

Inclusionary Family Rentals -The Waterside Gardens Project, while initially was anticipated to be completed, did not materialize due to the owner of the property selling the apartment complex. The new owners were not willing to participate in the program.

Ocean Pointe development was abandoned after contentious Planning Board meetings where objectors hired an attorney to mount a case against the development. This leaves a deficit in the Third Round Plan of 9 units.



AFFORDABLE HOUSING IN BRICK

Tudor Village Family Rental – 12 – In the Third Round, special needs credits were taken for units planned in this project. As the project was occupied, a shift in the mix of special needs was necessary. Six family-rental units were made available, producing **12 credits as a bonus** that can fill a portion of the deficit in Family Rentals.

		Tudor V	illage - 1192 Ro	oute 70 - Block 1092, Lot 1	
Special Needs Units	Beds	Bonus	Total Credits	Resident	Notes:
A2	1	1	2	DDD	0.1.1.1.1.12.01313
A3	1	1	2	DDD	Only took 12 Credits + 12
A4	1	1	2	DDD	Bonus Credits in Prior Round - 6 remaining credits
A1	2	2	4	DDD	available for Prior Round
A5	2	2	4	DDD	Gap or Round 4.
A6	2	2	4	DDD	dap of Round 4.
Total	9	9	18		
Family Rental	Bedrooms	Bonus	Total Credits	Resident	Notes:
В7	2	1	3	Family	Did a state to a second the form
B11	2	1	3	Veteran Family	Did not take any credits for
B12	2	1	3	Family	family rental in Tudor Villlage in Prior Round - 12
B8	1	1	2	Pref. Behavioral Health - Family	credits available for Prior
B09	1	1	2	Pref. Behavioral Health - Family	Round Gap or Round 4.
B10	1	1	2	Veteran Family	Nouna Sup of Nouna 4.
Total	6	6	12		

Table 12

Unmet Need -In the 100% Affordable Family For Sale mechanism, 66 units were applied but not completed. Extension of Expiring Controls produced one excess credit. The Veteran's Preference Housing Project is still moving forward, however, on a smaller scale. A new site was secured to now build 8 Family Rentals for Veterans. This leaves a deficit in the Third Round of 32 units that was to be applied to Unmet Need in the Alternate Living Arrangement Mechanism. This can be satisfied through the Group Home/Special Supportive Need Units that are available from the Fourth Round. The 100% Affordable Age Restricted Rental Units were all constructed and had excess credits that were able to be applied to Unmet Need. These still apply. However, these excess credits may be able to be applied due to the increase in Age Restricted credits that can be applied from 25% to 30% to satisfy some of the shortfall in Round Three.

Affordable Housing Ordinance

The Township of Brick has drafted proposed amendments to the Affordable Housing Ordinances. Currently, the ordinance found at 245-416 attached as an addendum to this Master Plan Element. These amendments include changes for consistency with the new affordable housing regulations and correct errors and inconsistencies in the existing ordinance. Important changes to note include:

- 1. Change in definition of multi-family housing to any structure of 5 or more dwelling units. This requires that any multi-family development (rental or for-sale) of 5 dwelling units shall require a 20% set-aside of affordable housing units. The previous iteration of the ordinance defined multi-family as 10 units and required 15% set-aside for rental developments and 20% in for-sale developments.
- 2. Change in the fee structure for residential development fee from 1% to 1.5% of the equalized assessed value of the structure.
- 3. Change in the description of payments in lieu to require a minimum of 30% of the estimated assessed value of the development to be paid to the Affordable Housing Trust Fund upon approval of the governing body to accept a payment in lieu of constructing required affordable housing units.



APPROPRIATE LANDS

Land Most Appropriate for Affordable Housing

The Township of Brick is primarily built-out and has limited vacant land in which to provide new development opportunities. Therefore, a focus on redevelopment through overlay zoning of areas that are likely to redevelop over the next ten-year period is proposed to meet the criteria to create opportunities for new affordable housing development required as promulgated by P.L 2024, c.2. and N.J.S.A. 52:27 D-304.

The following draft overlay zone ordinance is recommended by the Planning Board to address compliance with the Fourth Round Affordable Housing requirement:

Middle Housing Overlay Zone (MHOZ)

The purpose and scope of the Township of Brick Middle Housing Overlay Zone (MHOZ) is to create optional zoning opportunities for property owners to invest in the development of housing that is attainable in established transportation corridors with easy access to jobs, education and amenities. Quality of life is directly tied to proximity to jobs, education, amenities, recreation, family and friends. Additionally, the quality of life in the Township of Brick is related to the character of the community. Brick is a collection of small to large-scale neighborhoods. The MHOZ overlay zone is designed with this in mind. Form Based Code provides property owners with flexibility in design, with parameters that are intended to keep the suburban, medium density character of the community to create new neighborhoods. Form Based code focuses on the building form rather than the density and use. Five-story high, monolithic apartment buildings are not consistent with the character of the community in Brick. High density housing requires access to transit. There is no access to transit or opportunity in the future. Therefore, High density housing is not proposed in the Middle Housing overlay zone. Middle-housing type developments including, cottage, bungalow and garden apartments do reflect the residential character of the neighborhoods in the Township and are the basis of the MHOZ.

- A. The Draft MHOZ Ordinance is attached in Appendix A
- **B. Middle Housing Overlay Zone Permitted Uses:**
 - 1. All uses permitted in underlying zones.
 - 2. Residential: Carriage Houses, Bungalows, Cottages, Detached Compact Houses, Duplex, Townhouse/Rowhouse, Garden Apartments, Multi-plex (5 units max), Live/Work Buildings.
 - 3. Accessory dwellings.

Age Restricted Development

A municipality may not satisfy more than 30 percent of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing.

Brightview Assisted Living – 9 Medicaid Beds are to be applied in this mechanism. However, an additional 93.5 credits are available through Assisted Living facilities not utilized in prior rounds.

Table 13

Long-Term Care & Assisted Living Facilities Licensed by NJ								
Name	Location	Medicaid	Туре	Beds	10% Medicaid Beds			
Complete Care At Laurelton, LLC	475 Jack Martin Blvd.	Medicaid	Long Term Care	180				
Brandywine Lviing at Reflections	1594 Route 88	Medicaid	Assisted Living Residence	52				
Brandywine Living at the Gables	515 Jack Martin Blvd.	Medicaid	Assited Living	99				
Complete Care at Brick, LLC	415 Jack Martin Blvd.	Medicaid	Long Term Care	137				
Complete Care at Shorrock	75 Old Toms River Road	Medicaid	Long Term Care	180				
Mira Vie at Brick	458 Jack Martin Blvd.	Medicaid	Assisted Living Residence	123				
Willow Springs Rehabilitation and Healthcare Center	1049 Burn Tavern Road	Medicaid	Long Term Care	164				
				935	93.5			



APPROPRIATE LANDS

Family Affordable Housing - 4

A municipality shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its prospective need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321).

The following properties are proposed to be accomplished in the Fourth Round Fair Share and Housing Plan:

- Center Drive Habitat for Humanity 2 Single-family Residential Homes
- Hannan Avenue -2 Single family Residential Homes

The Township of Brick has partnered with Northern Ocean Habitat for Humanity to donate land and aid through the Affordable Housing Trust Fund to build two single-family residential units on Center Drive. The Township of Brick obtained the property through tax lien foreclosure and is subdividing the lot and installing drainage facilities on the property before conveying the lots to Northern Ocean Habitat for Humanity.

			Controls
INDIVIDUAL HOMES	BLOCK-LOT	INCOME LEVEL	Expire
1453 Princess Ave.	793-7	Moderate	2020
87 Red Maple Dr.	1108.07-6	Moderate	2020
21 White Pine Dr.	1108.05-10	Moderate	202
286 Cherry Quay Rd.	340-56.01	Moderate	2029
1203 Cedar Bridge Ave.	685.08-7	Moderate	2030
289 20th Ave.	1349.25-27	Low	2030
2630 Hooper Ave.	473-1.01	Moderate	2034
872 Lynnwood Ave.	474-1.02	Moderate	2034
2626 Hooper Ave.	474-1.01	Moderate	203
24 Bedford Ave.	1156.13-1	Moderate	203
2561 Hooper Ave.	552.01-13	Low	203
288 Cherry Quay Rd.	340-56.04	Moderate	203
604 Glenwood Ave.	589-12	Low	203
536 Pennsylvania Ave.	1396.21-61	Low	203
5 Blue Spruce Place	1108.06-2	Low	204
261 Ashwood Dr.	701.38-13	Moderate	204
891 Beacon Ave.	486-27	Moderate	204
85 Red Maple Dr.	1108.03-43	Low	204
392 Jarome St.	1108.03-46	Low	204
12 Red Maple Dr.	1108.06-17	Low	204
380 Jarome St.	1108.03-52	Moderate	204
20 Red Maple Dr.	1108.06-13	Low	204
17 Blue Spruce Place	1108.06-8	Moderate	204
41 Red Maple Dr.	1108.03-21	Moderate	204
22 Blue Spruce Place	1108.05-12	Low	204
396 Jarome St.	1108.03-44	Moderate	204
1540 Aspen St.	1173-108.02	Low	204
1548 Aspen St.	1173-108.01	Moderate	204
118 Maplewood Dr.	701-27-8	Low	204
1544 Aspen St.	1173-108.03	Moderate	204
121 Wiscasset Trail	1018-44	Moderate	205
476 East End Ave.	662-27	Moderate	205
933 Beacon Ave.	508-21	Low	205

Table 14

The Township owns developable property on Hannan Avenue that were also obtained through tax lien foreclosure and is seeking to work with a developer to build two single family scattered site housing units.

Family Rental Housing - 22

A municipality shall satisfy a minimum of 25 percent of the actual affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, through rental housing, including at least half of that number available to families with children. All units shall otherwise follow the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321)

• **305-307 Drum Point Road - Joanne Marie – 18** Apartments (14 Market Rate -4 Affordable) Approved by Use Variance and Site Plan – Expected to be developed in 2026.

Extension of Expiring Controls – 10

Single-family scattered site housing has been accomplished by the Township throughout each round of the program. Thirty-three family for-sale units are monitored by the Affordable Housing Administrator, Homes Now, Inc. They have been successful in extending controls of 23 units through re-sales and recapture of foreclosures using the Township's Affordable Housing Trust Fund.

• Ten are planned to be extended in the Fourth Round period.

Group Homes & Supportive Special Needs Housing -12 – 48 bedrooms

Since the adoption of the last Housing Element and Fair Share Plan 12 Group Homes with 48 bedrooms have been opened in the Township of Brick. Documentation is pending for the creditworthiness. Excess credits will be applied to satisfy Third Round deficits.



APPROPRIATE LANDS

	Group Homes & Supportive Special Needs Housing							
383.24-26	278 LAKE OAK PL.	EIHAB HUMAN SERVICES INC	5	Low/Low				
812-22	1727 BURRSVILLE RD.	DEVEREUX FOUNDATION	5	Low/Low				
903.22-11	154 NATICK TRAIL	EIHAB HUMAN SERVICES INC	4	Low/Low				
903.23-7	39 STRATFORD DR	ARC OF OCEAN COUNTY	4	Low/Low				
1167.06-7	9 WREN AVE.	EIHAB HUMAN SERVICES INC	4	Low/Low				
1273-1	818 PONTIAC AVE.	ALLIES, INC	3	Low/Low				
1404.03-17	561 NEW JERSEY AVE.	NJ STREET A NJ NONPROFIT CORP	4	Low/Low				
1409.08-25.01	567 IOWA AVE.	SALTBOX HOMES INC	5	Low/Low				
1430.07-2	25 SANFORD RD.	SERV PROPERTIES & MANAGEMENT INC	4	Low/Low				
1145.16-1	174 LEIHIGH ST.	COMMUNITY OPTIONS ENTERPRISES INC	3	Low/Low				
903.24-7	229 Colonial Drive	ASSOCIATION FOR MULTIPLE IMPAIRED BLIND	3	Low/Low				
655-4	459 East End Ave.	ASSOCIATION FOR MULTIPLE IMPAIRED BLIND	3	Low/Low				
1422.01-5	719 REVERE DR.	ASSOC FOR MULTIPLE IMPAIRED BLIND	4	Low/Low				
773-1	1475 LAKEWOOD AVE.	CARING INC	3	Low/Low				
	(LISTED INCORRECTLY AS 475)							
1371-12	481 HERBERTSVILLE ROAD	ENABLE HOMES, INC.	4	Low/Low				
321-4.02	425 DRUM POINT ROAD	ENABLE HOMES, INC.	4	Low/Low				
701.03-11	40 ASHWOOD DRIVE	MOBILITY SPECIAL CARE HOUSING INC	5	Low/Low				
629-13	20 LONDON RD.	TWENTY LONDON ROAD INC%PROP MGR-	5	Low/Low				
		DEVLOPMENTAL SERVICES GROUP HOME						
548.03-1	874 GREGORY DR.	ASSOC FOR MULTIPLE IMPAIRED BLIND	4	Low/Low				
382.28-1	215 ESSEX DR.	SERV PROPERTIES & MANAGEMENT INC	4	Low/Low				
195-30	Homes Now - Dotties House	HOMES NOW - DOTTIE'S HOUSE	17	Low/Low				

TOTAL 97

Table 15

	Special Needs/Supportive Housing for 4th Round							
Block-Lot	Address	Operator	Bedrooms	Income				
383.24-26	278 LAKE OAK PL.	EIHAB HUMAN SERVICES INC	5	Low/Low				
903.22-11	154 NATICK TRAIL	EIHAB HUMAN SERVICES INC	4	Low/Low				
1167.06-7	9 WREN AVE.	EIHAB HUMAN SERVICES INC	4	Low/Low				
1273-1	818 PONTIAC AVE.	ALLIES, INC	3	Low/Low				
1404.03-17	561 NEW JERSEY AVE.	NJ STREET A NJ NONPROFIT CORP	4	Low/Low				
1409.08-25.01	567 IOWA AVE.	SALTBOX HOMES INC	5	Low/Low				
903.24-7	229 Colonial Drive	ASSOCIATION FOR MULTIPLE IMPAIRED BLIND	3	Low/Low				
655-4	459 East End Ave.	ASSOCIATION FOR MULTIPLE IMPAIRED BLIND	3	Low/Low				
1422.01-5	719 REVERE DR.	ASSOC FOR MULTIPLE IMPAIRED BLIND	4	Low/Low				
701.03-11	40 ASHWOOD DRIVE	MOBILITY SPECIAL CARE HOUSING INC	5	Low/Low				
548.03-1	874 GREGORY DR.	ASSOC FOR MULTIPLE IMPAIRED BLIND	4	Low/Low				
382.28-1	215 ESSEX DR.	SERV PROPERTIES & MANAGEMENT INC	4	Low/Low				
		Total	48					

Table 16



APPROPRIATE LANDS

Fourth Round Plan

The Township proposes to meet the 4th Round Realistic Development Potential with the following mechanisms:

Family For-Sale Units: 11

Scattered Site Family - For Sale - 2 (Bonus 1) = Total 3

The Township has entered in to an agreement with Northern Ocean Habitat for Humanity to build two new single-family scattered site for-sale units. The Township is subdividing Block 511, Lot 1 into two building lots and conveying the property to Northern Ocean Habitat for Humanity to build these units and sell them to two income qualified families.

Extension of Expiring Controls – Single Family-For Sale = Total 10

The Township's Affordable Housing Administrator, Homes Now, Inc. has identified ten single-family homes whose deed restrictions for affordability will be expiring in the 4th Round. Homes Now, Inc. will be pursuing the extension of those controls.

Rentals - 7 (Bonus 1) = Total 8

A project called Joanne Marie including 18 new apartments inclusive of 4 family rentals set-aside for rentals was approved in 2023 at 305-307 Drum Point Road

Homes Now, Inc. will be pursuing **extensions of expiring controls** at Victorian Gardens, an apartment development with deed restricted apartments that will be expiring in the 4th Round. 2 apartment units will be pursued to extend controls.

The Township's planning and code enforcement staff will be pursuing a **market to affordable** unit in existing multi-family rental apartment units in the township to deed restrict one unit for families of low-moderate income.

Age-Restricted Rental – 9 (Bonus 0.3) = Total 9.03

Brightview Assisted Living was approved on Burrsville Road and Route 88 in 2023 and will provide 9 Medicaid beds.

Supportive/Special Needs – 4 (Bonus 4) = Total 8

The Township has identified twelve new group home facilities that were not in existence or counted during the prior rounds or Third Round. We will work to obtain 4 credits from these units through documentation of licensing or deed restrictions.





APPROPRIATE LANDS

The Fourth Round Obligation Table is provided below with the calculations for bonus credits.

Fourth Round Obligation		RDP = 29			
Obligation Requirements, Caps & Bonuses					
	Units	Bonuses	Provide		
Total obligation (RDP)	29				
Total permitted bonuses		7			
Minimum family units (50% of total units)	11		YES		
Minimum rental units (25% total units)	6		YES		
Minimum family rental units (50% of total					
rental units)	3		YES		
Minimum VLI units (13% of total units)	3		YES		
Minimum 3BR units (20% of total family units)	3		YES		
Permitted age-restricted	6				
Permitted age-restricted bonuses		0.3			
			Total		Unmet
Fourth Round Compliance Mechanisms	Units	Bonus	Credits	Comments	Need
For-Sale Family					
	2	1		Habitat For Humanity Project -Center Drive -	
Scattered Site Family-For Sale			3	Anticipated Completion 2027	
Extension of Expiring Controls Single Family For				Deed Restrictions filed prior to expiration	
Sale	10		10		
Rentals	<u> </u>	T.	ı		1
				305-307 Drum Point Road – Anticipated	
Joanne Marie Drum Point Road Family Rental	4		4	Completion 2026	
Extension of Expiring Controls Victorian Gardens	_		2	Victorian Gardens -Controls extended prior	
Family Rental	2	1	3	to expiration	
Marilant to Affandala Familia Dantal	1			Market to Affordable Conversion of Family	
Market to Affordable Family Rental	1			Apartment	
Age Restricted Rental		I	I	A : A III: A A : : A IC A IC	1
Daightwiese Assisted Living (0) Ammoved	6	0.3	6.03	Assisted Living – Anticipated Completion 2026	
Brightview Assisted Living (9) Approved	6	0.3	0.03	2020	
Supportive Special Needs	<u> </u>	<u> </u>	<u> </u>	Dynahaga of Dood Destriction Danding	<u> </u>
Group Homes -AMIB	4	4	8	Purchase of Deed Restriction Pending –	
Supportive/Special Needs Totals	29	6.03	35.03	Anticipated completion 2025	6.03
Totals	29	0.03	33.03		0.03

Table 17

The Township of Brick will adopt a Spending Plan that will utilize Affordable Housing Trust Funds identified in this plan and carry out affordable housing activities identified in previous Housing and Fair Share Plan Elements including but not limited to:

Scattered Site Single-Family Affordable Housing production, Extensions of Expiring Controls for Single-Family For Sale and Multi-Family Rentals, Market to Affordable For-Sale and Rental production, Supportive/Special Needs Housing production and deed restriction acquisitions, Veterans Housing production, Special Needs/Supportive Housing production, Affordability Assistance including but not limited to Rental Subsidies for income qualified and deed restricted rentals, Down Payment Assistance for purchase of Scattered Site Single-Family housing and improvements or repairs to deed restricted and controlled facilities or units to maintain a good low-moderate income housing stock.

Affordable Housing Projection

Completion of the mechanisms listed above and a build out analysis of the Middle Housing Overlay Zone would generate the required 25% of the reduced Prospective Need 322 x 25% = 81 Affordable Housing units over 10 years and 29 Fourth Round Units with 6.03 credits towards unmet need.

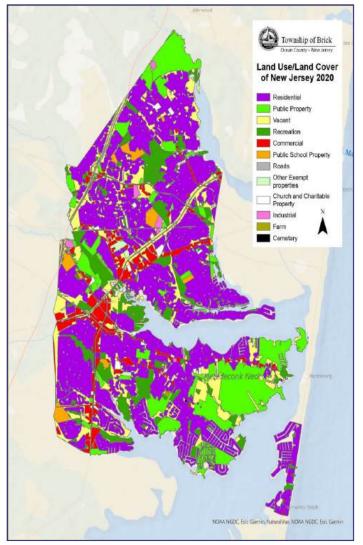


DEMOGRAPHIC ANALYSIS

Demographic Analysis

The Township of Brick is located in northeastern Ocean County, New Jersey, and includes 26.2 square miles at its boundaries. The Township is home to 73,620 residents as reported by the 2024 US Census Estimate and 31,798 structures as reported by the Township Tax Assessor in 2025. The Township of Brick is proximate to major transportation corridors including Route 70, Route 88, and the Garden State Parkway (Brick Township Strategic Recovery Planning Report [SRPR] 2014).

The Township was created by the New Jersey Legislature in 1850 and was named after Joseph W. Brick, one of the prominent citizens of the time. The creation of the Township of Brick was concurrent with the creation of Ocean County, whose land includes portions from Monmouth and Burlington Counties. Early growth and development in the Township was driven by natural resource production including saw mills, charcoal, turpentine, agriculture, dairy farming, and iron forges among others. Throughout the 1900s the Township transitioned to a series of rural resort communities with focuses on outdoor recreation and relaxation. Following the creation of the Garden State Parkway in the 1950s, the Township of Brick's inexpensive and beautiful land attracted residential and commercial real estate developments (Brick Township SRPR 2014; Township of Brick Website 2015).



Map 2

2025 Tax Assessor Bui	lding Data
Туре	Number
One-Family	26,625
Row/House	47
Multi-family >2 & <4	69
Condominium	3,869
Apartment	17
Multi-Types	186
Commercial	772
Industrial	38
Mobile Homes*	175
Total	31,798

Approximate Table 1

The Township of Brick has never adopted exclusionary zoning practices and its housing continues to be affordable to most of those in the housing market. The Township's zoning allows for very small lots of 5,000 to 10,000 square feet for single family homes. It also provides for a variety of housing types including apartments, manufactured housing, town houses, condominiums and retirement communities. In addition, to its inclusionary zoning practices, the Township actively took steps to improve housing conditions and to provide affordable units for its residents. For senior citizens, the Township has built low- and moderate-income public housing. For the handicapped, it has increased housing opportunities through rehabilitation of public and private housing and new construction. For low- and moderate-income families, the Township has built scattered site single family units, apartments and has reduced substandard conditions in housing units through an assisted rehabilitation program.



DEMOGRAPHIC ANALYSIS

Land Use in the Township of Brick							
Land Use	Acres	%	Square Miles				
Residential	8116.40	49.52%	12.68				
Public Property	2439.72	14.89%	3.81				
Vacant	2381.90	14.53%	3.72				
Recreation	1424.13	8.69%	2.23				
Commercial	961.78	5.87%	1.50				
Public School Property	259.72	1.58%	0.41				
Roads	238.68	1.46%	0.37				
Recreation	209.29	1.28%	0.33				
Other Exempt Properties	141.28	0.86%	0.22				
Church and Charitable Property	120.61	0.74%	0.19				
Industrial	86.51	0.53%	0.14				
Farm	8.32	0.05%	0.01				
Cemetary	2.07	0.01%	0.0032				
TOTAL	16390.40	100%	25.61				

The local development followed a traditional suburban autooriented pattern, with a central commercial core with relatively higher densities and additional commercial development focused primarily along major transportation corridors extending outward. Residential neighborhoods are primarily located along smaller local roads and behind commercial development in the commercial core.

The land use pattern of the Township of Brick has been influenced by a combination of a historic pattern of suburban auto-oriented development and environmental limitations. Traditional resource-related industries, such as agriculture still exist but are not considered the economic driver that they were a century ago. Other factors such as floodplains, environmental regulations, and natural terrain characteristics, have influenced land use and development.

The vast majority of the Township's privately owned property is developed but there are few large undeveloped parcels remaining.

In addition, most of the developed land area has been dedicated to residential use. The Township promotes flexible residential design while limiting over development of individual lots through the implementation of impervious cover, building cover limitations and reasonable setback requirements from adjacent properties. The Township promotes the protection of environmentally critical areas through a robust Open Space and Recreation Program to preserve environmentally sensitive and contiguous forested areas, and the redevelopment of underutilized older commercial areas to revitalize the Township's economic base.

The Township has remained committed to providing opportunities for the development and retention of affordable housing since the early 1990's when it received its Substantive Certification in both Round One and Round Two of the NJ Affordable Housing Program. The Township of Brick has a variety of housing types, a diversity of zoning opportunities and has committed millions of dollars for the development and retention of affordable housing units.





VILLAGE

Affordable Housing & Fair Share Plan

DEMOGRAPHIC ANALYSIS

		Table 20
Zoning	Acreage	% of Total
BUSINESS		
B-1	41.12	0.30%
B-2	333.61	2.40%
B-3	709.95	5.11%
B-4	40.00	0.29%
H-S	124.33	0.90%
M-1	136.71	0.98%
O-P-T	99.19	0.71%
OP.	5.52	0.04%
PMRRC	23.73	0.17%
RESIDENTIAL		
AH-1	7.27	0.05%
AH-2	47.31	0.34%
AH-3	1.67	0.01%
R-10	1324.86	9.54%
R-15	482.69	3.48%
R-20	757.01	5.45%
R-5	590.14	4.25%
R-7.5	3477.66	25.05%
R-M	647.12	4.66%
R-ML-5,6,7	63.94	0.46%
R-R-1	2869.16	20.67%
R-R-2	1668.10	12.02%
R-R-3	82.54	0.59%
RM-ML-16	5.91	0.04%
RM-ML-SRO	3.53	0.03%
TIDELANDS	0.13	0.00%
B-1	1.02	0.01%

336.79

13881.01

A review of the Township's Zoning Map demonstrates the opportunity for affordability through zoning. A total of 35.16 % of the total land area zoned for development in the Township was zoned as small-lot, medium to high density zoning or specifically zoning for Affordable Housing. This includes the R-7.5, R-5, RM, AH, and RM-ML zones. In addition, any scattered site Affordable Housing Unit may be located within the B-1 and B-2 zoning districts as well, making an additional 4.4% and a total of 39.56 %of the Township land area available for affordable housing through zoning. In 2018, the Township undertook a comprehensive review of Zoning Board of Adjustment approvals for mixed use developments and implemented the recommendations from the Planning Board's Re-Examination Report of its Master Plan to create a new zone called the Village Zone. The Village Zone removed "split lot" conditions, along the Mantoloking Road, Drum Point Road and Herbertsville Road corridors. These corridors were primarily zoned as B-1 and B-2 zoning districts where residential uses were not permitted. Many older housing units that had been pre-existing and built before the official zoning map in the Township of Brick was adopted in 1960. These non-conforming uses were now permitted as single-family units in the new Village Zone and pre-existing nonconforming mixed uses were also permitted. This created opportunity for the Township's property owners to build wealth and have options for the redevelopment and expansion of these non-conforming uses. To-date, more than \$2,000,000 of assessed value have been added to the Township's tax base as a

result of the re-zoning of these corridors and more redevelopment is anticipated. The Village Zone allows for accessory apartments when a non-residential use is proposed in conjunction with the development.

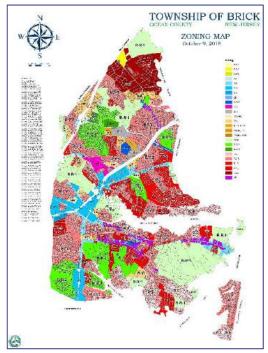
The Township has also been dedicated to preserving open space for conservation and recreational purposes. As of 2025, the Township had approximately 3,370 acres of preserved lands, owned by federal, state, county, municipal, or private entities Township of Brick 2025 Open Space & Recreation Plan.

Population Characteristics and Trends

2.43%

100.00%

According to the 2020 U.S. Census, the Township of Brick had a total population of 73,620 people (U.S. Census) residing in 30,077 households and an average household size of 2.46 (2019-2023 ACS). These numbers represent a trend in population decreases since the 2000 U.S. Census, which identified a Township population of 76,119 people and 75,072 in the 2010 U.S. Census. The median age of Township residents in 2010 was 43.6, and 47.8 in 2020, which indicates an aging population when compared to a median age of 39.4 in 2000. In 2010, 20.7% of the population was under 18 and 17.9% were over the age of 65. In 2020, 21.7% of the population was under the age of 18 but, 20.8% were over the age of 65. This shows that the youth and elderly populations grew by 3 percent each.



Map 3



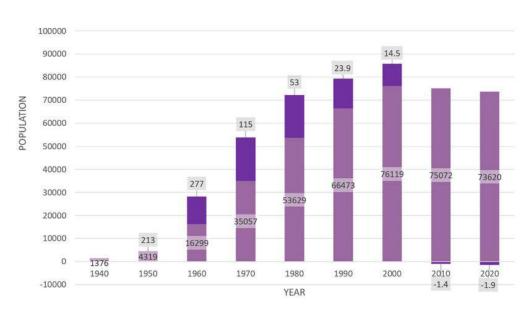
DEMOGRAPHIC ANALYSIS

The population in the Township of Brick expanded rapidly in the latter half of the 20th century, increasing by over 275% between 1950 and 1960, and over 100% between 1960 and 1970. Steady population growth continued for three more decades including a 14.5% growth between 1990 and 2000.

The first two decades of the 21st century has seen a full stop in population growth, and a marked trend in population decline. The Township's population growth performance continually falls behind the North Jersey Transportation Planning Authority population projections. It is likely that the slowing of population growth is due mainly to the limited remaining developable land in the Township as, well as the implementation of sustainable planning and development practices. It is also likely that some of the population decline is due to the aging population. The Township's school population has also declined, resulting in the population per household decrease. According to a Brick Schools Demographics Enrollment History & Projections Report, enrollments in the school system are generally decreasing at an average rate of 100 students annually from year 2014 through 2019. District enrollment rates are projected to be decreasing at a slower rate. 7-year future enrollments are projected to remain steady until 2029 at approximately between 8,300 and 8,400 students. Brick-Schools-Demographics-Enrollment-Summary-Presentation-1-1.pdf

To a lesser degree, impacts felt by the Township from Super Storm Sandy had effects on population growth in the last decade. However, most of the structures lost during the destruction of the storm have returned accounting for building permits issued for demolitions and new structures over the past decade during recovery from Super Storm Sandy. It was hoped that multi-family development projects that were in varying stages of development during the writing of the last Housing Element would produce a modest population growth that would be reflective in the 2020 Census. That has not materialized. The economic impacts of the 2008 housing crisis, development constraints, difficult regulatory landscape in coastal N.J. and high interest rates have slowed development of residential units to a large degree. However, the commercial economy in the Township has been a bright spot due to redevelopment and rehabilitation of older, commercial centers, shopping malls and the impact of the Village Zone implementation on building permits and board approvals.







DEMOGRAPHIC ANALYSIS

Income

The median household income for the Township in the 2023 American Community Survey conducted by the U.S. Census for a household was \$106,704. This was a significant increase from the 2013 ACS Estimate of \$68,605 reflected in the last Housing Element in 2017. Residents living below the poverty line has remained consistent at 5%. An important distinction relative to poverty and affordability is the demonstration of how many residents in the Township of Brick are living within or below the 2024 NJ Department of Community Affairs Affordable Housing Regional Income Limits.

	Brick Township, Ocean County, New Jersey										
	Households Families		Families	Nonfamily households	20	24 Affordable	e Housing Rego	inal Income Li	mits by House	hold Size - Reg	ion 4
Label	Estimate	Margin of Error	Estimate	Estimate	Income Level	1 Person	2 person	3 person	4 person	5 person	6 person
Total	32,218	±1,616	21,056	11,162	Median	\$91,038.00	\$104,043.00	\$117,048.00	\$130,054.00	\$140,458.00	\$150,862.00
Less than \$10,000	4.3%	±1.6	2.2%	8.1%	Moderate	\$72,830.00	\$ 82,234.00	\$ 93,639.00	\$104,043.00	\$112,367.00	\$120,690.00
\$10,000 to \$14,999	1.6%	±1.2	0.0%	4.5%	Low	\$45,519.00	\$ 52,022.00	\$ 58,524.00	\$ 65,027.00	\$ 70,229.00	\$ 75,431.00
\$15,000 to \$24,999	6.1%	±2.5	3.4%	11.2%	Very Low	\$27,311.00	\$ 31,213.00	\$ 35,115.00	\$ 39,016.00	\$ 42,137.00	\$ 45,259.00
\$25,000 to \$34,999	1.6%	±1.0	1.3%	2.6%		55.20%		35.4	40%		29.60%
\$35,000 to \$49,999	7.6%	±2.9	4.2%	14.5%							
\$50,000 to \$74,999	13.4%	±3.0	14.2%	14.3%							
\$75,000 to \$99,999	10.7%	±3.6	10.1%	10.8%							
\$100,000 to \$149,999	26.8%	±4.2	29.6%	20.6%							
\$150,000 to \$199,999	12.8%	±3.0	17.7%	2.1%							
\$200,000 or more	15.2%	±3.7	17.3%	11.4%							
Median income (dollars)	106,704	±7,623	121,558	66,904							
Mean income (dollars)	125,607	±13,072	145,322	85,550							
Source: U.S. Census Bure				'Income in the P ar Estimates Sub		•	•	d Dollars)."			

Table 4

In 2023, the US Census estimated that 55.2% of non-family households qualify as moderate to very low income, 35.4% of families of 2-6 persons would qualify as moderate to very-low income and 29.6% of families of 4-6 persons would qualify as moderate income. More than 37.2% households identified would qualify for affordable housing according to the regional income limits. Today, that number has increased to 65.0% of families and 55.2% of non-family households. Low Income is defined as 50% or less of median income. Very Low Income is 30% or less of median income and Moderate income is between 80% and 50% of median income. Table ABOVE shows the calculated 2024 income for each of these categories as they relate to the median income in the Township of Brick. This speaks to the indigenous affordability in the Township of Brick. The US Census also reports that 58.8% of the housing units in the Township have a mortgage. This demonstrates that there are a high number of households in the Township that do not hold mortgages and may not be burdened by housing costs. The portion of the population where this is most likely occurring is in the senior age category. The income in the Township of Brick is very closely tied to its demographic make-up and is discussed on the next page.

DEMOGRAPHIC ANALYSIS

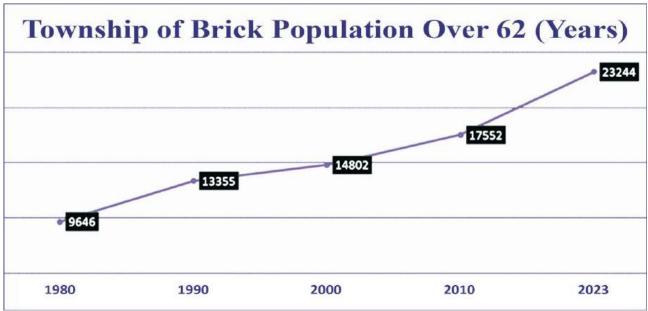
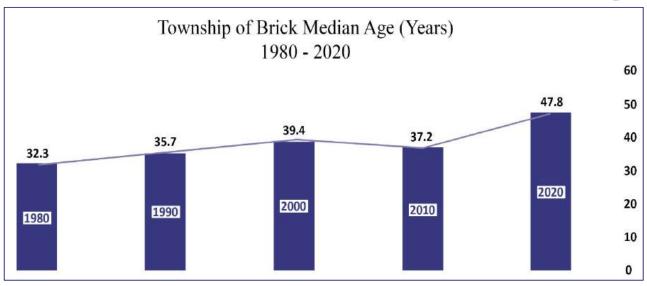


Fig. 2 Age

As of 2023, of households in the Township had at least one child and 31.5% included at least one person 62 years or older. In addition, 24.4% of households were made up of people 65 years or older. The Township average age of resident is aging and should be appropriately addressed when determining the need for affordable housing over the next decade. The median age has increased by more than 15.5 years over the past forty-five years and is 49.4 as of 2024. This age group, and the upcoming aging of the largest age group (55-64 yrs.) that makes up (12,823)17.4% of the total population will put stress on the housing market to provide opportunities as they age. The latest NJ Affordable Housing Law, P.L. 2024, c. 2 raised the allowable credits for Age-Restricted housing from a cap of 25% to that of 30%. This allows the municipality to take credit for previously determined excess credits due to the large number of senior age-restricted housing. This will also allow the municipality to plan for future development and redevelopment for the largest proportion of the Township's population that will need it as they age.







DEMOGRAPHIC ANALYSIS

Racial & Ethnic Characteristics

The Township of Brick's racial makeup has been slowly changing over time. The current population is dominated by single-race — white population at 83%. However, the Black or African American and Hispanic or Latino population has been growing. In the 2000 U.S. Census, the Black or African American population was at 1.0 % but doubled to 2.0 % in the 2010 U.S. Census. In 2000, the Hispanic or Latino population was represented by 3.8% of the population and grew to 7.1% of the total population in 2010. The most recent American Community Survey shows the Hispanic or Latino population at 12.4% and Black or African American population at 3.4%.

Education and Employment

At the time of the 2020 US Census 96.5% of the Township of Brick's residents graduated from high school or had a higher level of education and training, and 33.9% completed a bachelor's degree or higher level of education and training. This is markedly higher than in 2010, when 21.3% attained a bachelor's degree or higher. Of the Township's total civilian workforce, the 2023 American Community Survey 1- Year Estimate, 18.8% worked for local, state or the federal government, 8.5% were self-employed, 6.5% worked for a private not-for-profit and 66.2% were employed by a private company. Of the working population, 80.4% commute to work in a personal vehicle alone, 5.7% carpool and 2.2% take public transport. 10.1% worked from home. (ACS 2023). The employment rate in the Township was 65.8%.

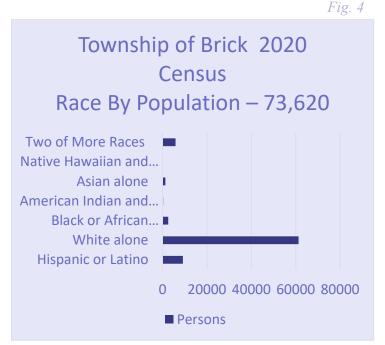
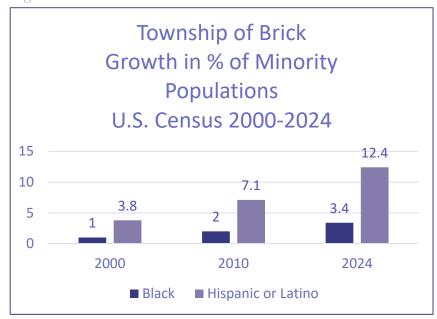


Fig. 5



According to the American Community Survey, the largest occupation group in the Township of Brick is the educational services, health care and assistance sectors making up 22.9% of the labor force. Other large occupation groups include retail trade (13.9%), transportation, warehousing utilities (6.5%), professional, scientific, management, and administrative (11.2%), and construction (8.5%). The three largest employers in the Township are the municipal government, Brick School District, and the Ocean Medical Center.

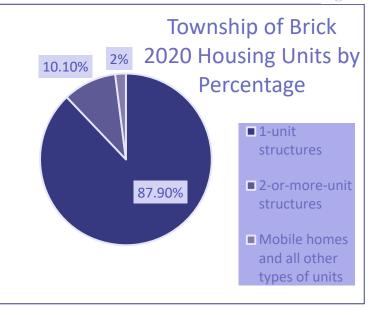


DEMOGRAPHIC ANALYSIS

Housing Stock and Permits

Fig. 6

The 2020 U.S. Census identified 33,863 housing units in the Township of Brick. The Housing stock has an 88.9% occupancy rate. The vacancy rate was 12.4% - mostly due to the seasonal nature of homes in the community and "snow birds" who are senior citizens who have a second home elsewhere and come to Brick for the warmer months. Homes in the Township of Brick are primarily owner-occupied (68.0%) - a marked decline from the 2010 US Census (83.3%). The homeownership rate is 81.2%. The majority of homes in the Township are one-unit detached structures (87.9%) with the remainder divided between one-unit attached structures (Townhouses or Condominiums) (10.10%), - 2 or more unit and multifamily structures (10.9%), and mobile homes (2%) (ACS 2023). The median



value of housing in the Township of Brick was estimated to be \$372,900 in 2023, a marked increase from \$257,900 in 2013 (ACS 2013). Homes in Township of Brick are neither predominantly historic nor modern with only 2.3% built before 1939 and only 4.8% built after 2000. The majority of homes were built between 1970 and 1989 (46.6%) with a significant number also being built between 1940 and 1969 (35.6%) (ACS 2013) The mean gross rent between 2019 and 2023 was reported as \$1,716.

Table 22

Towns	ship of I	Brick New Re	esidential Con	struction Permits
Year	Total	1&2 family	Multifamily	Demolitions
2013	101	101	0	254
2014	167	166	1	129
2015	142	112	30	95
2016	215	125	90	72
2017	97	97	0	48
2018	93	93	0	48
2019	203	202	1	40
2020	109	109	0	34
2021	163	163	0	32
2022	65	65	0	31
2023	94	94	0	26
2024	56	56	0	18
Total	1505	1383	122	827
	Ne	et	678	
				New Residential Construction

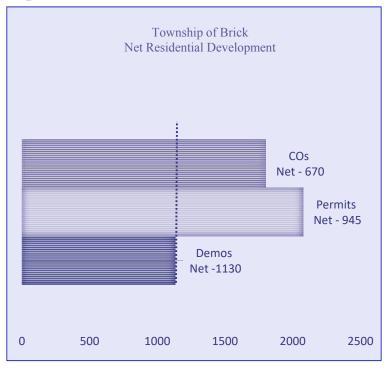
According to the NJ Construction Reporter data listed on the New Jersey Department of Community Affairs website, between the years of 2013 and 2024, the Township experienced much less growth than it had in any proceeding 15-year period. Between the years 1990 and 1999, the Township of Brick issued an average of 365 permits annually for residential construction. Between 2013 and 2024, an average of 125 new residential home construction permits were issued.

The Township of Brick Inspection Division reported Residential Housing Certificates of Occupancy issued between the years 2000-2025 demonstrate a significant drop off of residential development in the Township. That number has significantly decreased as a result of the lack of development from land constraints and market influences as identified in Fig. 7.



DEMOGRAPHIC ANALYSIS

Fig. 7

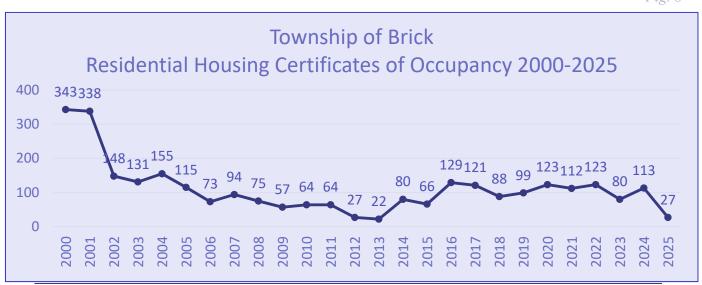


In addition to the decline in the issuance of residential building permits and certificates of occupancy is the significant number of single family residential demolitions that have taken place as well. Over the past 15 year period, the Township has issued more than 1,130 residential demolition permits. To understand the importance of this information, it must be compared with the number of new housing permits and single-family certificates occupancy issued during the same time period. 1,800 Residential Certificates of Occupancy were issued in the same time period as well as 2,867 or an annual average of 110 New Residential Building permits. However, due to the fact that there were so many single-family residential demolitions, the net building permits is decreased to 945 and the net certificates of occupancy are reduced to 670.

Development Trends

Historic growth and development in the Township of Brick has generally followed a linear suburban growth pattern evidenced by commercial development primarily along major transportation routes with residential development behind along local roads. Major growth in the Township began after the opening of the Garden State Parkway which sparked a period of shopping center, strip mall, and auto-oriented development. Following a decline in commercial development and rising vacancies, the Township proactively encouraged a shift in growth practices that encouraged re-investment in the downtown center and the use of planning tools including implementing the Village Zone, designating NJ State Plan Cores to encourage redevelopment in our commercial

Fig. 8





DEMOGRAPHIC ANALYSIS

and hospital support cores and implemented streetscaping requirements including curbing and sidewalk for all commercial and residential redevelopment and development.

Given the current limitations on available development sites in the Township and a commitment to more sustainable land practices, future growth and development will continue to focus on infill development and the redevelopment of existing areas with associated improvements to enhance the community and overall quality of life. This will include the restriction development on parcels that would have a negative impact on environmental resources, and it will also prevent the existing flood problem from worsening. The Township will be able to use sustainable redevelopment practices as well to minimize and lessen current stormwater issues during redesign periods.

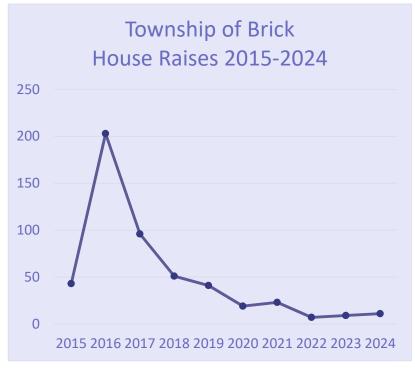


Fig. 9

Commercial development has continued to occur in the Township including additions of a few new restaurant offerings in the Commercial Core. The Township has experienced a growing number of new occupancies and redevelopment projects along the Route 88 corridor. The previously named K-mart and Pathmark shopping mall sat mostly vacant for nearly a decade, new commercial tenants have redeveloped the site. It has spurred economic growth along this corridor. Additionally, a few older commercial and mixed-use areas have redeveloped to build a new brewery, convenience store and fast-food establishments.

There have been a few residential developments of note that have been completed and/or proposed since the writing of the last Housing Element. 135 Brick Boulevard apartments, Nobility Crest mixed-use, commercial, apartments and townhomes have been completed and occupied. New mixed-use developments along Drum Point Road have been approved that will provide apartments and one application for 12 apartments and 48 townhomes is currently being heard by the Zoning Board of Adjustment. Additionally, a 35-acre property that previously had been approved for a cemetery was proposed for a 68 single-family subdivision. The local community worked to oppose the application and the Township and Ocean County Natural Lands Trust purchased the property as an open space preservation project. The property is planned to provide trails and a playground for the neighborhood.

Residential growth is anticipated to occur as infill development. Minor subdivisions were the dominant application before the Planning Board when applicants subdivided one lot into two or three. Redevelopment or Use Variances to build multi-family residential will occur as the market pressures to provide housing will compel developers to take a chance to build what the market demands. Providing for overlay zones where that may be more certain for developers, such as the Middle Housing Overlay Zone, will potentially reduce variances.



APPENDIX A - MHOZ DRAFT ORDINANCE

DRAFT 5/27/25

Middle Housing Overlay Zone

The Township of Brick is primarily built-out and has limited vacant land in which to provide new development opportunities. Therefore, a focus on redevelopment through overlay zoning of areas that are likely to redevelop over the next ten-year period is proposed to meet the criteria to create opportunities for new affordable housing development required as promulgated by P.L 2024, c.2. and N.J.S.A. 52:27 D-304.

The Fair Housing Act requires municipalities zone for affordable housing in the State of New Jersey. Unfortunately, the law has created a paradox where high-income luxury housing is constructed order to generate 20% set aside for affordable housing units. This paradox has left out the opportunity to create middle housing for the majority of residents. The high-income properties have had the effect of raising property values that puts homeownership for middle-income residents out of reach. The middle housing overlay zone utilizes the middle housing concept to reverse the gap in middle or moderately priced housing created over the past 40 years that has left a deficit in housing units that middle Americans can afford to purchase, rent and live in while building equity.

This ordinance is proposed in draft form until such time that it can be fully vetted and implemented after careful consideration by the governing body. It identifies areas where multi-family housing exists in a substandard form and placement. The areas are where nonconforming residential multifamily structures are poorly designed, have inefficient layouts, and otherwise would be eligible for the New Jersey Housing and Redevelopment Law designated as an area in need of redevelopment. This ordinance seeks to accomplish the redevelopment through implementation of overlay zoning. These properties have been identified to be appropriately redeveloped as residential middle housing units that will require a 20% affordable housing obligation. Therefore, these areas will generate a modest increase and housing units, but not a large increase in population. The ordinance is designed to encourage redevelopment in areas where people already live in substandard conditions, so that middle housing units can be constructed in medium density, attainable, housing developments, intertwined with neighborhood, serving commercial amenities and uses. The middle housing overlay zone will potentially generate enough housing to produce the 25% of the unmet need.

The purpose and scope of the Township of Brick Middle Housing Overlay Zone (MHOZ) is to create optional zoning opportunities for property owners to invest in the development of housing that is attainable in established transportation corridors with easy access to jobs, education and amenities. Quality of life is directly tied to proximity to jobs, education, amenities, recreation, family and friends. Additionally, the quality of life in the Township of Brick is related to the character of the community. Brick is a collection of small to large-scale neighborhoods. The MHOZ overlay zone is designed with this in mind. Form Based Code provides property owners with flexibility in design, with parameters that are intended to keep the suburban, medium density character of the community to redesign neighborhoods. Form Based code focuses on the building form rather than the density and use. Five-story high, monolithic apartment buildings are not consistent with the character of the community in Brick. Middle-housing type developments including, cottage, bungalow and garden apartments do reflect the residential character of the neighborhoods in the Township and are the basis of the MHOZ.



APPENDIX A - MHOZ DRAFT ORDINANCE

Definitions of Building Types:

Accessory Dwelling: A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.¹ Accessory garages are permitted to have dwelling unit but must not be more than 1½ stories. Accessory dwelling units may be integrated into principal structure but must be smaller in size and have an independent means of access from the principal dwelling access.

<u>Bungalow</u>: A small, detached building type that is one story with a porch or veranda. Bungalows can be on individual lots or more than one unit may be allowed on one lot, however, not more than 5 units are permitted per lot.

<u>Carriage House</u>: A carriage house is an accessory building type that is to be located at the rear of a lot. It provides a small residential unit, home office or other small service commercial use (not retail) that can be located above a garage or at ground level. Carriage houses may only be allowed on lots where the main building is a residential use of a Detached Compact House, Duplex, Townhouse/Rowhouse or Multi-Plex. Carriage houses shall not be taller or have a larger footprint that the main building/s on the lot.

<u>Cottage Court:</u> A small, detached dwelling unit of one or one- and one-half story. Minimum square footage of 400 square feet; maximum square footage of 1,000 square feet. A series of small, detached structures providing multiple units arranged to define a shared court that is perpendicular to the street. The shared court takes the place of a private yard.

<u>Detached Compact House:</u> A small detached residential structure that incorporates one-unit for a single-family occupancy. Main body width of the house – 36' wide maximum.

<u>Duplex:</u> A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.¹ Main body of the building must not exceed 48' maximum. This building type has the appearance of a medium scale single-family home but provides two living units per building.

<u>Townhouse/Rowhouse:</u> A small to medium attached structure with no more than five (5) dwelling units per building. These units are placed side-by-side. Main body of the building must measure 18' minimum width per Town/Rowhouse and 36' maximum per Town/Rowhouse.

<u>Compact Garden Apartment:</u> One or more two-story, multi family structures, with access through individual entrances. Dwelling units can be located back-to-back, adjacent and one on top of another.¹ No more than 5 dwelling units per building.

<u>Multi-Plex:</u> A small-medium structure that consists of 3-5 side-by-side and/or stacked dwelling units typically with one shared entry or individual entries along the front. This has the appearance of a medium sized family home. Main body of the building shall have a maximum width of 48' and depth of 48' maximum.

<u>Live/Work:</u> A small-medium building type attached or detached structure that consists of one dwelling unit above or behind a flexible ground floor space that can be used for residential, service, office or retail use permitted in the underlying zone. Main building body width of 18' minimum and 36' maximum.

- A. The properties identified in the MHOZ: Attached List
- B. Middle Housing Overlay Zone Permitted Uses:
 - 1. All uses permitted in underlying zones.
 - Residential: Carriage Houses, Bungalows, Cottages, Detached Compact Houses, Duplex, Townhouse/Rowhouse, Garden Apartments, Multi-plex (5 units max), Live/Work Buildings
 - 3. Accessory dwellings.



APPENDIX A – MHOZ DRAFT ORDINANCE

C. MHOZ Bulk and Building Standards

Building Types	Lot area		Height	Footprint by	Impervious	Building Setback/Location from Lot Line					Parking
	Width	Depth		Building	Cover	Front	Side	Rear	Accessory	Distance between Dwellings	
Carriage House/Bungalow	75' min.	100' min.		Lot Coverage by building/s	Maximum 65%	30' Min.	10' Min.	20' Min.	Dwelling:	8' Min.	1 per bedroo
Cottage Court	75' min	100' min.	2 ½ stories To Eve/Parapet: 24' max. Overall: 35' max.	35% max. Accessory Structures (s)	υ <i>λ</i>	30' min.; 40' max.	10' min.; 15' max.	n.; 20' min.; 1½	O IVIIII.	m/ 9'x 18'	
Detached House: Compact	75' min.	100' min.				30' Min.	10' Min.	20' Min.	max. Or integrated into principal structure with separate means of		spaces Non- residen tial: 1 per 300 square feet
Duplex	75' min.	100' min.				30' min.	10' min	15' min			
Townhouse/ Rowhouse	75' min.	100' min.				40' min.	25' min.	15' min.			
Multi-Plex Small/ Garden Apartment	75' min.	100' min.				40' min.	25' min.	15' min.			
Live/Work	75' min.	100' min.				40' min.	25' min.	15' min.	other: 1		

- Carriage House/Bungalow, Cottage Court, Compact Detached House: 5 dwelling units per lot max allowed.
- Duplex, Townhouse/Rowhouse, Multi-plex/Garden Apartment: 5 dwelling units max. allowed per building
- D. More than one principal structure is permitted on one lot.
- E. More than one type of structure is permitted on one lot.
- F. One Accessory Dwelling is permitted on each lot.
- G. Parking and parking lot design: Comply with Chapter 245 Pt. 2 Article XXXV Parking, Loading and Vehicular Access.
- H. Landscaping & Vegetative Buffers: Comply with Chapter 245 Pt. 5 Landscaping and Buffer Requirements and Chapter 245-248, 245-406, 245-408 and 245-410 for underlying zone.
- I. Signage: Comply with Chapter 245 Pt.2 Article XXXVI Signs for underlying zone.
- J. All other Site Plan and Subdivision standards are applicable.



APPENDIX B – MHOZ DRAFT LOTS

APPENDIX B MHOZ DRAFT LOTS



MIDDLE HOUSING OVERLAY ZONE PROPERTIES

Township of Brick

Ocean County · NJ

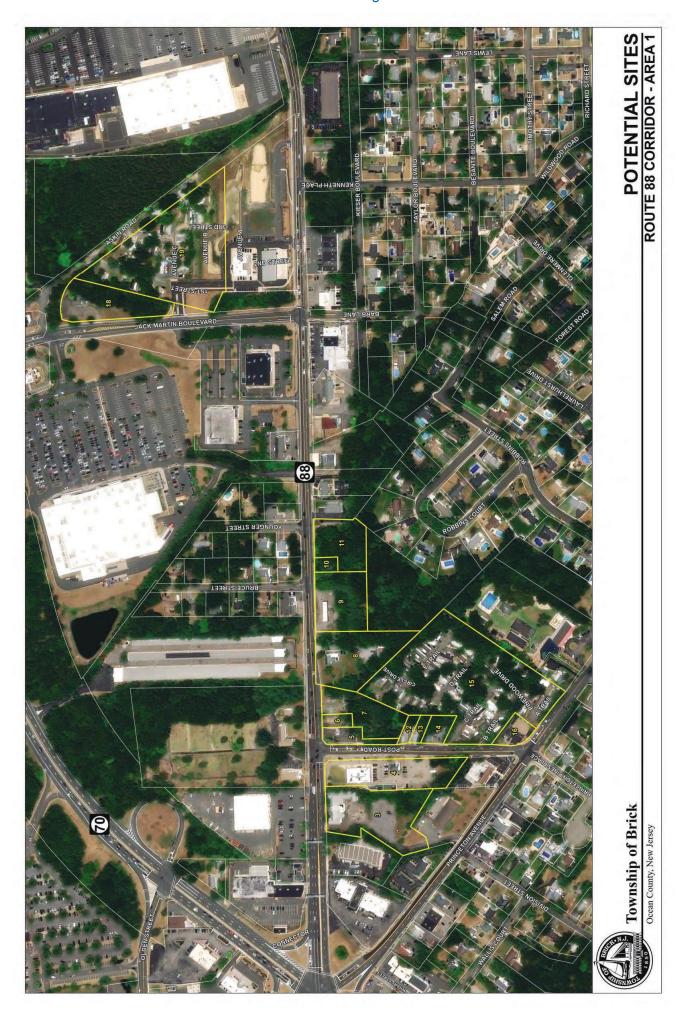
ID	Block-Lot	Zoning	Location	Acreage	Notes	Map
1	1108-16	R-75	BURNT TAVERN RD	12.86	ANCHOR CONCRETE	BURNT TAVERN
2	1108-17	M-1	975 BURNT TAVERN RD	10.85	ANCHOR CONCRETE	BURNT TAVERN
3	867-6.01	B-3	1811 RT 88	2	LAURELTON SCHOOL	ROUTE 88 - AREA 1
4	867-5	B-2	1823 ROUTE 88	1.8382	DAYCARE	ROUTE 88 - AREA 1
5	869-9	B-2	1831 ROUTE 88	0.1986	OFFICE	ROUTE 88 - AREA 1
6	869-8	B-2	1833 ROUTE 88	0.1412	RESIDENCE	ROUTE 88 - AREA 1
7	869-7	B-2	1837 ROUTE 88	1.07	RESIDENCE	ROUTE 88 - AREA 1
8	869-6.02	B-2	1845 ROUTE 88	1.35	OFFICE	ROUTE 88 - AREA 1
9	869-26	B-2	1855 ROUTE 88	1.27	GHOST GAS STATION	ROUTE 88 - AREA 1
10	869-6	B-2	1861 ROUTE 88	0.4423	VACANT	ROUTE 88 - AREA 1
11	869-5	B-2	1867 ROUTE 88	1.02	VACANT WOODED	ROUTE 88 - AREA 1
12	869-11	B-2	11 POST RD.	0.155	RESIDENCE	ROUTE 88 - AREA 1
13	869-12	B-2	9 POST RD.	0.1584	RESIDENCE	ROUTE 88 - AREA 1
14	869-13	B-2	7 POST RD.	0.3214	RESIDENCE	ROUTE 88 - AREA 1
15	869-14	B-2	50 PRINCETON AVE.	5.58	MOBILE HOME PARK	ROUTE 88 - AREA 1
16	869-15	B-2	46 PRINCETON AVE.	0.2537	STRIP MALL	ROUTE 88 - AREA 1
17	1028-1	B-2	1990 ROUTE 88	0.2355	GARAGE	ROUTE 88 - AREA 2
18	868.01-15.01	B-3	100 JACK MARTIN BLVD.	1.36	WAWA MHP	ROUTE 88 - AREA 2
19	868.01-16.02	B-3	60 JACK MARTIN BLVD	4.631	WAWA MHP	ROUTE 88 - AREA 2
20	1029-2	B-2	2000 ROUTE 88	0.6659	VACANT WOODED	ROUTE 88 - AREA 2
21	1029-10	B-2	2004 ROUTE 88	0.1179	DAYCARE	ROUTE 88 - AREA 2
22	1029-11	B-2	ROUTE 88	0.3099	DAYCARE	ROUTE 88 - AREA 2
23	1029-13	B-2	2014 ROUTE 88	1.06	COMMERCIAL BUILDING	ROUTE 88 - AREA 2
24	1029-15	B-2	2016 ROUTE 88	0.2583	OFFICE	ROUTE 88 - AREA 2
25	1029-16.01	B-2	2020 ROUTE 88	0.258	RESIDENCE	ROUTE 88 - AREA 2
26	1029-18	B-2	2022 & 2024 ROUTE 88	0.3444	DENTIST OFFICE	ROUTE 88 - AREA 2
27	1027-74	B-2	2003 ROUTE 88	0.5313	LANDSCAPER	ROUTE 88 - AREA 2
28	1027-77	B-2	2005 ROUTE 88	0.8953	USED CAR DEALER	ROUTE 88 - AREA 2
29	1027-82	B-2	2019 ROUTE 88	0.5441	OFFICE	ROUTE 88 - AREA 2
30	1027-85	B-2	2023 ROUTE 88	0.1814	OFFICE	ROUTE 88 - AREA 2
31	1027-86	B-2	2027 ROUTE 88	0.365	BUILDING	ROUTE 88 - AREA 2
32	1027-88	B-2	2029 ROUTE 88	0.2738	AUTO PARTS STORE	ROUTE 88 - AREA 2
33	1027-89.01	B-2	2031 ROUTE 88	0.2738	OFFICE	ROUTE 88 - AREA 2
34	1046-1	B-2	2116 ROUTE 88	0.5739	GASLITE MOTEL	ROUTE 88 - AREA 2
35	1034.01-19	B-2	2200 ROUTE 88	1.14	RESIDTIAL / COMMERCIAL	ROUTE 88 - AREA 3
36	1034.01-14	B-2	2210 ROUTE 88	1.1478	SURFSIDE EFFICIENCIES	ROUTE 88 - AREA 3
37	1034.01-12	B-2	2214 ROUTE 88	0.4591	RESIDENCE	ROUTE 88 - AREA 3
38	1034.01-11	B-2	2218 ROUTE 88	0.2296	RESIDENCE	ROUTE 88 - AREA 3
39	1034.01-10	B-2	2220 ROUTE 88	0.2296	RESIDENCE	ROUTE 88 - AREA 3
40	1034.01-7	B-2	2224 ROUTE 88	0.4591	RESIDENCE	ROUTE 88 - AREA 3
41	1034.01-6	B-2	2228 ROUTE 88	0.2296	RESIDENCE	ROUTE 88 - AREA 3
42	1034.01-1	B-2	2236 ROUTE 88	0.9183	88 MOTEL	ROUTE 88 - AREA 3
43	1026-2	B-2	2213 ROUTE 88	1	DIM SUM	ROUTE 88 - AREA 3
44	1026-1	B-2	2217 ROUTE 88	1	COTTAGES	ROUTE 88 - AREA 3
45	1026-20	B-2	2225 ROUTE 88	1.8382	VACANT	ROUTE 88 - AREA 3
46	1025-6	R-R-1	201 JORDAN RD.	6.75	STORAGE UNITS	ROUTE 88 - AREA 3
47	585-1	VZ	825 MANTOLOKING RD.	0.527	LENAPE MOTEL	MANTOLOKING RD AREA 1
48	585-6	VZ	821 MANTOLOKING RD.	0.263	OFFICE / APARTMENTS	MANTOLOKING RD AREA 1
49	190-10	VZ	531 MANTOLOKING RD	2.08	PINE REST LODGE MOTEL	MANTOLOKING RD AREA 2
50	84-14.01	VZ	189 MANTOLOKING RD.	1.3	HOTEL,	MANTOLOKING RD AREA 3
			TOTAL:	71.9596		



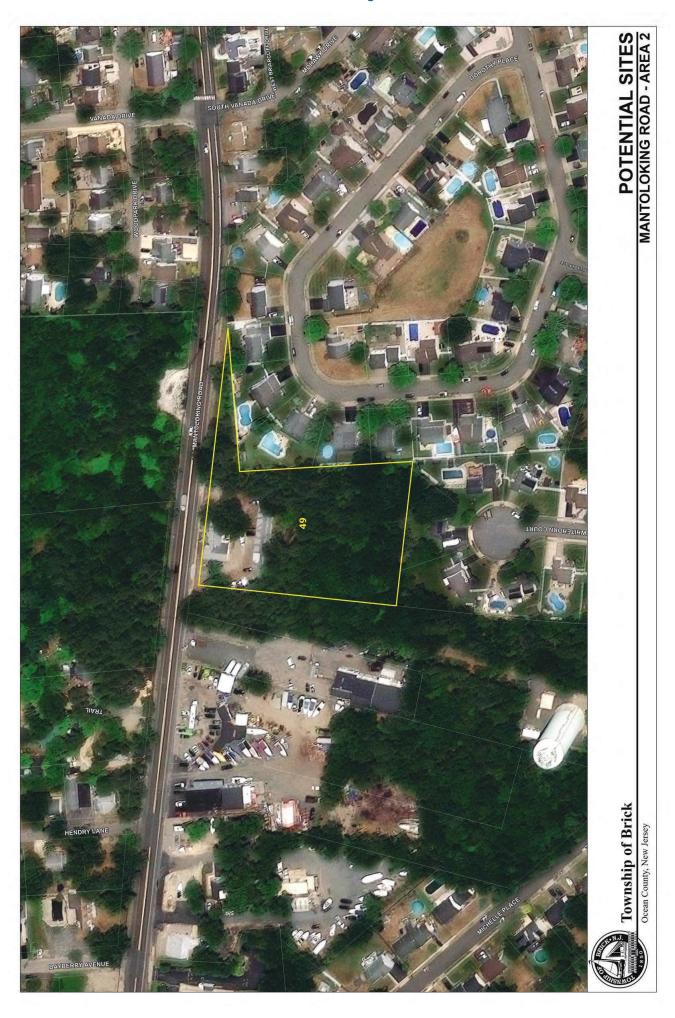
Affordable Housing & Fair Share Plan APPENDIX C – MHOZ MAPS

APPENDIX C MHOZ MAPS













Affordable Housing & Fair Share Plan
APPENDIX D – AFFORDABLE HOUSING ORDINANCES

APPENDIX D AFFORDABLE HOUSING ORDINANCES

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY REPEALING AND REPLACING, CHAPTER 245, PART 2, ARTICLES L THROUGH LIII OF THE CODE OF THE TOWNSHIP OF BRICK TO ADDRESS THE AFFORDABLE HOUSING REQUIREMENTS OF THE NEW JERSEY SUPERIOR COURT

BE IT ORDANED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the "Code of the Township of Brick" ("Code") is hereby amended as follows:

Section I. Chapter 245, Article VI, entitled "Mandatory Development Fees," is hereby repealed in its entirety and reserved.

Section II. Chapter 245, Article VII, entitled "Affordable Housing Based on Growth Share," is hereby repealed in its entirety and reserved.

Section II. Chapter 245, Article L, entitled "General Program Purposes, Procedures," Article LI, entitled "Affordable Unit Controls and Requirements," Article LII, entitled "Administration," and LIII, entitled "Development Fees," sections 245-416 through 245-454 are hereby repealed and replaced with the following:

ARTICLE L

General Program Purposes; Procedures § 245-416. Affordable housing obligation.

- A. This Part of the Township Code sets forth regulations regarding very-low, low-, and moderate-income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., except where modified by the terms of a court-approved Settlement Agreement (the Settlement Agreement), as may be amended, between the Township and the Fair Share Housing Center (FSHC), and the statutory requirements to provide very-low-income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at 30% of the regional median income, which overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Township's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this section applies requirements for very-low-income housing as established in P.L. 2008, c. 46 (the "Roberts Bill," codified at N.J.S.A. 52:27D-329.1).
- B. This Part is intended to assure that very-low-, low-, and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units. This Part shall apply to all inclusionary developments and one-hundred-percent affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- C. The Brick Township Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The plan has also been endorsed by the Township Council of the Township of Brick. The Fair Share Plan describes the ways the Township shall address its fair share for very low-, low- and moderate-income housing as determined by the

Superior Court and documented in the Housing Element.

- D. This Part implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- E. The Township shall file monitoring and status reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the Brick Township Municipal Building, 401 Chambers Bridge Road, Brick, NJ 08723.
- F. By January 3rd of each year through the end of the Third Round Judgment of Repose, the Township will provide annual reporting of the status of all affordable housing activity within the municipality (including rehabilitation).
- G. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in the Township's agreement with FSHC. Those monitoring provisions are as follows:
 - (1) The Township must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.
 - (2) Within 30 days of every third anniversary of the January 3, 2017, execution of the Settlement Agreement, the Township shall publish on its website and submit to FSHC a status report regarding its satisfaction of the very-low-income requirement pursuant to N.J.S.A. 52:27D-329.1.

§ 245-417. Definitions.

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

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

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

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

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this Part, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

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

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

AFFORDABLE — A sales price or rent within the means of a very low-, low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

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

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

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

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an Affordable Housing Trust Fund.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

- A. All the residents of the development where the unit is situated are 62 years or order; or
- B. At least 80% of the units are occupied by one person that is 55 years or older; or
- C. The development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons," as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607(b)(2).

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

ALTERNATIVE LIVING ARRANGEMENT — A structure in which households live in distinct bedrooms yet share kitchen and plumbing facilities, central heat and common areas. "Alternative living arrangement" includes, but is not limited to, transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill, as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

CERTIFIED HOUSEHOLD — A household that has been certified by an administrative agent as a very low-income household, a low- income household or moderate-income household.

COAH — The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA — The State of New Jersey Department of Community Affairs.

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

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

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

FAIR SHARE PLAN — The plan that describes the mechanisms, the strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

FHA – The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

HOUSING ELEMENT — The portion of the Township's Master Plan, required by the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b(3), and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Township's fair share obligation.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

INCOME — Includes revenue and receipts, actual or fairly imputed, from all sources, including but not limited to wages, interest, dividends, social security, pensions, government benefits, alimony, child support and rents from income property.

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

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

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

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

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

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

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

MULTIFAMILY RESIDENTIAL DEVELOPMENT — Residential development comprising 5 or more dwelling units, including, but not limited to, dwelling units that are located one over another, garden

apartments, cottages, bungalows, rowhouses, townhouse developments, garden apartments, muli-plexes, multistory apartment or condominium buildings, and mixed-use developments containing a combination of nonresidential and residential uses.

MUNICIPAL HOUSING LIAISON — A municipal employee responsible for oversight of the municipal affordable housing program, including overseeing the administration of affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent.

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

PRESENT NEED — An estimate of very low-, low- and moderate-income households living in substandard housing as calculated through the use of census surrogates.

PRIOR ROUND HOUSING OBLIGATION — The 1987 – 1999 fair share based on N.J.A.C. 5:93-1.

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

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved regional income limits.

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

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

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

SPECIAL MASTER — An expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the Court.

THIRD ROUND HOUSING OBLIGATION — The 1999 - 2025 housing obligation as determined by the Superior Court.

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

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

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

VETERAN'S PREFERENCE — A preference for very low-, low- and moderate-income housing that is permitted by law for people who have served in the military, pursuant to Section 311.11(j). of the FHA, which allows for a municipality to enter into an agreement with a developer to provide a preference for

affordable housing to very low-, low- and moderate-income veterans who served in time of war or other emergency as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to fifty percent (50%) of the affordable units in a particular project. N.J.S.A. 52:27D-311.11(j).

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

§ 245-418. Affordable housing set-aside.

- A. Requirements for affordable housing in multifamily residential developments. All development approvals for new multifamily residential development in the Township shall include a set-aside for affordable housing as described herein.
 - (1) Purpose. The purpose of these provisions is to provide for affordable housing in new multifamily developments in accordance with the Township's court-approved settlement agreement with FSHC and the Township's Housing Element and Fair Share Plan, as may be amended.
 - (2) Applicability. The mandatory affordable housing set-aside requirement shall apply to all new applications for land use approvals, made after the effective date of this section, for multifamily residential developments of 5 or more units, including applications for use or density variances, site plans, or subdivisions, and applications for land use approvals made pursuant to a new or amended redevelopment plan adopted after the effective date of this section pursuant to a finding of an area in need of redevelopment rehabilitation. These provisions shall likewise govern substantial revisions to previously approved developments. A substantial revision to a development approval shall, for the purpose of these affordable housing regulations, be any revision that increases the number of multifamily residential units by 5 or more units.
 - (3) Set-aside requirements for multifamily development. All development approvals for multifamily residential development of 5 or more units shall provide an affordable housing set-aside of 20% of the residential units in a rental development and in a for-sale development. At least 50% of the affordable units in each development shall be affordable income households, including 13% in rental developments affordable to very-low-income households.
 - (a) When the required set-aside results in a number that is not a whole number, the set-aside requirements shall be rounded to the closest whole number. In all cases the developer may round the set-aside requirement up to the closest whole number, and provide that number of affordable units. If the fractional set-aside requirement is less than 0.5, the developer may round the obligation down, provide the lower number of affordable units, and make a payment to the Township's affordable housing trust fund in lieu of construction of the fractional unit, to be calculated pursuant to paragraph (d) below.
 - (b) At the developer's option, or per the terms of a developer or redeveloper agreement with the Township, the developer may provide a greater affordable housing set-aside than required by this section.
 - (c) A developer of a multifamily residential development may not intentionally avoid the requirements of this section by, for example, subdividing a project into two lots and then make each of them a number of units just below the threshold.
 - (d) A developer of a multifamily residential development may apply for approval from the Township to provide a payment in lieu of construction to fund the construction of

- affordable housing required by this section on another site within the Township. If approved, the amount of the contribution shall be 30% of the value of the proposed construction.
- (e) The set-aside requirement of this section shall not be interpreted to convey upon any property owner or applicant the right to develop multifamily housing by entitlement or variance, nor shall it be construed to impose any obligation on the part of the Township or its Land Use Board's agencies to approve any such application.
- (f) The residential affordable housing payment of 1.5% of the equalized assessed value of the unit will be required to be paid in addition to the payment in lieu of construction.
- (g) Provision of affordable housing units in accordance with this section shall otherwise comply with the requirements for affordable housing set forth in this Article.

§ 245-419. New construction.

The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units:

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for very low-, low- and moderate-income units whether developed in a single phase development or in a multiphase development:

Maximum Percentage of Market Rate Units Completed	Minimum Percentage of Very Low-, Low- and Moderate- Income Units Completed
25%	0%
25% +1	10%
50%	50%
75%	75%
90%	100%

- B. Integration. In inclusionary developments, to the extent possible, very low-, low- and moderate-income units shall be integrated with the market-rate units on-site, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- C. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- D. 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.
 - (3) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very-low-income households.
 - (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 very low-, low- and moderate-income units;
 - (b) At least 30% of all very low-, low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all very low-, low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very low-, low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

E. Accessibility requirements:

(1) The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall be subject to

the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall have the following features:

- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel on the first floor;
- (d) An interior accessible route of travel shall not be required between stories within an individual unit;
- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [2] To this end, the builder of restricted units shall deposit funds within the Township of Brick'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 Subsection E(2)(f)[2] herein shall be used by the Township 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 Township of Brick.
 - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Brick's Affordable Housing Trust Fund in care of the Municipal Treasurer, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the

requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

F. 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 and by the Superior Court, utilizing the regional income limits established.
- (2) Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
 - (a) Regional income limits shall be established for Region 4 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial census in Region 4. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - (b) The income limits calculated each year shall be the result of applying the percentages set forth in this Subsection (a) above to HUD's determination of median income for the relevant fiscal year and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to this Subsection (a) above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year
- (3) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the

- average rent for restricted very low-, low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (4) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, and At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
- (5) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (6) 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 met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (7) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (8) 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 homeowners' 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.

- (9) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (10) 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.
- (11) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. 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.
- (12) 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.

§ 245-420. Condominium and homeowners' association fees.

For any affordable housing unit that is part of a condominium association and/or homeowners' association, the master deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

§ 245-421. through § 245-424. (Reserved)

ARTICLE LI Affordable Unit Controls and Requirements

§ 245-425. Purpose.

The requirements of this article apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units.

§ 245-426. Affirmative marketing.

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers

and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also 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 COAH Housing Region 4 and covers the period of deed restriction.

- C. The affirmative marketing plan shall provide a regional preference for all households that live and/ or work in COAH Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.
- D. The Township shall add to the list of community and regional organizations in its affirmative marketing plan pursuant to N.J.A.C. 5:80-26.15(f)(5) Fair Share Housing Center, 510 Park Boulevard Cherry Hill, NJ 08002, the New Jersey State Conference of the NAACP, 14 Clifton Ave. S., Lakewood, NJ 08701, the Latino Action Network, PO Box 943, Freehold, NJ 07728, NAACP Toms River Branch, PO Box 5144, Toms River, NJ 08754, and NAACP Ocean County/Lakewood Branch, PO Box 836,Lakewood, NJ 08701, OCEAN, Inc., S&F Plaza, 2008 Rt. 37 East Suite 12, Toms River, NJ 08753, the New Jersey Housing Resource Center, 637 South Clinton Avenue, P.O. Box 18550, Trenton, NJ 08650, and the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016, and shall as part of its regional affirmative marketing strategies during the period of its judgment of repose provide notice to those organizations of all available affordable housing units.
- E. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Brick shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental or sales office. Applications shall be mailed to prospective applicants upon request. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to very low-, 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 Township of Brick.

§ 245-427. Occupancy standards.

- 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 separate bedrooms for parents and children;
 - (3) Provide children of different sexes with separate bedrooms; and
 - (4) Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

§ 245-428. Selection of occupants of affordable housing units.

- A. The administrative agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

§ 245-429. Control periods for restricted owners hip units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 40 years, until the municipality takes action to release the controls on affordability.
- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. 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 without the restrictions in place.
- E. At the time of the initial sale of the unit, the initial 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 nonexempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference

between the unit's nonrestricted 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.

- F. The affordability controls set forth in this Part shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- G. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 245-430. Price restrictions for restricted ownership units, homeowners' 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.

§ 245-431. 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% of median income.
- B. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year. Violations of this provision shall be subject to the applicable enforcement provisions of this Ordinance.
- C. 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 homeowners' association fees, as applicable) does not exceed 33% of the household's certified monthly income. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

§ 245-432. Limitations on indebtedness secured by owners hip unit; subordination; Capital Improvements to Owners hip Units.

- 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).
- C. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- D. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit, and not included in the base price, may be made a condition of the unit resale, provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 245-433. 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, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability. Prior to such action, 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.
 - (1) Restricted rental units created as part of developments receiving nine-percent low-income housing tax credits must comply with a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. 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 Ocean. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Part, 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.

§ 245-434. Expiration of controls.

In the event that a property is approaching the expiration of controls, the Township of Brick shall have the option to extend those controls through the expenditure of Affordable Housing Trust funds through the following options:

- A. Purchase and resell or rent the unit in compliance with income eligibility requirements with a thirty- year affordable housing deed restriction.
- B. Purchase and resell as a market rate unit, depositing the proceeds of the sale in the Affordable Housing Trust Fund to be devoted solely to the creation, rehabilitation or maintenance of very low-, low- and moderate-income housing with the authority and approval of the Brick Township Council.
- C. Impose extension of expiring affordability controls via Township Council resolution.
- D. Expenditure of Affordable Housing Trust funds for the purchase of additional thirty-year deed restrictions to expiring affordability controls on rental and for sale units.
- E. Expenditure of Affordable Housing Trust funds for the recapture of properties in

foreclosure for the purposes of retaining and extended affordability controls on properties for 30 years.

§ 245-435. 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 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Part.

§ 245-436. Tenant income eligibility.

- 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 agerestricted 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 Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

§ 245-437. Conversions.

Each housing unit created through the conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ 245-438. Alternative living arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (1) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 245-439. Scattered-site affordable housing units.

Scattered-site affordable housing units for single-family residential sale and rental and multifamily rental or condo units shall be permitted in all residential in the VZ, B-1 and B-2 commercial zones, provided that:

- A. The site is approved by the Township Council by resolution.
- B. The dwelling units are single-family detached units, multifamily rental or condo units.
- C. The site shall meet the area, yard and building requirements which conform to the zone in which the site is located. No site plan or variance approval shall be required.
- D. The developer is a not-for-profit corporation.

E. The housing unit shall be utilized and legally restricted to affordable housing in accordance with the provisions of N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., except where modified by the terms of a settlement agreement and the Court.

§ 245-440. (Reserved)



ARTICLE LII Administration

§ 245-441. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Township of Brick is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Council and be subject to approval by the Superior Court.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Brick.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Brick, including the following responsibilities, which may not be contracted out to the administrative agent:
 - (1) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (2) The implementation of the Affirmative Marketing Plan and affordability controls;
 - (3) When applicable, supervising any contracting administrative agent;
 - (4) Monitoring the status of all restricted units in the Township of Brick's Fair Share Plan;
 - (5) Compiling, verifying and submitting annual reports as required by the Superior Court;
 - (6) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 - (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§ 245-442. Administrative agent.

- A. The Township shall designate, by resolution of the Township Council, subject to the approval of the Superior Court, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- B. An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The operating manuals shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).
- C. Duties and responsibilities.
 - (1) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in

the operating manual, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16, and 5:80-26.18 thereof, which includes:

(a) Affirmative marketing.

- i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and
- ii. Providing counseling or contracting to provide counseling services to very low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(b) Household certification.

- i. Soliciting, scheduling, conducting and following up on interviews with interested households;
- ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very low-, low- or moderate-income unit;
- iii. Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- v. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located (Housing Region 5) comprising Burlington, Camden and Gloucester Counties; and
- vi. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units.

(c) Affordability controls.

- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- ii. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- iii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Clerk's office after the termination of the affordability controls for each restricted

unit:

- iv. Communicating with lenders regarding foreclosures; and
- v. Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(d) Resales and re-rentals.

- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- ii. Instituting and maintaining an effective means of communicating information to very low-, low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (e) Processing requests from unit owners.
 - i. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.

(f) Enforcement.

- i. Securing annually from the municipality a list of all for-sale affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- iii. The posting annually in all rental properties, including legal two-family homes, of a notice as to the maximum permitted rent for affordable units, together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

- iv. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4:
- v. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and
- vi. Creating and publishing a written operating manual, as approved by the Court, COAH or a successor entity approved by the Court, setting forth procedures for administering the affordability controls.

(g) Additional responsibilities:

- i. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- ii. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to COAH, the organizations listed in the Township's Settlement Agreement with FSHC, or any successor entity approved by the Court, as required by COAH or a successor entity approved by the Court.
- iii. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH or a successor entity approved by the Court. The administrative agent shall, as delegated by the Township Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 245-443. Enforcement of affordable housing regulations.

- 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 very low-, low- or moderate- income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall

be subject to one or more of the following penalties, at the discretion of the court:

- (a) A fine of not more than \$500 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 very low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Brick 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 very low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the Court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable

housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- 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 very-low, 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 governing affordable housing units until such time as title is conveyed from the owner.

§ 245-444. Appeals.

Appeals from all decisions of an administrative agent designated pursuant to this Part shall be filed in writing with the Township.

ARTICLE LIII Development Fees

§ 245-445. Purpose.

- A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal Affordable Housing Trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may

- retain fees collected from nonresidential development.
- C. In re: adoption of N.J.A.C. 5:96 and 5:97¹³ by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal Affordable Housing Trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025, are under the Court's jurisdiction and are subject to approval by the Court.
- D. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38.¹⁴ Fees collected pursuant to this article shall be used for the sole purpose of providing very low-, low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.¹⁵

§ 245-446. Basic requirements.

- A. This article shall become effective at such time that the Superior Court approves the Township's development fee ordinance in accordance with N.J.A.C. 5:93-8.
- B. COAH approved the Township's initial spending plan on July 7, 1998, and subsequently on May 9, 2017. Subsequently, in an order of December 18, 2017, the Superior Court approved the Township's Amended Third Round Spending Plan on February 27, 2018. Thusly, Brick may spend development fees in conformance with N.J.A.C. 5:93-8.

§ 245-447. Definitions.

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

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

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act. Pursuant to the Supreme Court's decision in what is commonly known as Mount Laurel IV, In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015), all references to COAH or the Council shall also mean the Superior Court of New Jersey, Ocean Vicinage.

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

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 245-448. Residential development fees.

- A. Imposed fees. Within all zoning districts, residential development, except for development of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, addition or conversions, provided that no increased density is permitted. Examples of residential developments for which a fee is to be imposed include:
 - (1) New residential single-family and multifamily structures.
 - (2) Residential additions.
 - (3) Residential conversions of garages, basements or attics.
 - (4) Detached accessory enclosed garages.
 - (5) Detached enclosed pool houses.
 - (6) Detached enclosed studios, workshops, hobby shops, or accessory buildings that provide additional living or habitable space.
- B. The following improvements to existing residential dwellings shall not be required to pay a development fee:
 - (1) Attached or detached decks.
 - (2) Sheds.
 - (3) Fences.
 - (4) Open porches.
 - (5) Gazebos, pergolas, trellises or open structures.
 - (6) In-ground and above-ground pools.
- C. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units and the specified higher percentage up to 6%

of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- D. Eligible exactions, ineligible exactions and exemptions for residential development.
 - (1) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, provided that the development is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - (2) The residential portions of a mixed-use inclusionary or market rate development shall be subject to the one-percent development fee unless otherwise exempt below.
 - (3) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (4) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- E. Developers of residential structures demolished and replaced as a result of a natural disaster, shall be exempt from paying a development fee for a dwelling unit the same size of the demolished unit or smaller. A one-percent fee shall be required to be paid on any additional square footage over the previously existing structure.
- F. Developers of tax-exempt and nonprofit uses shall be exempt from paying development fees.

§ 245-449. Nonresidential development fees.

A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is

demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

- B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
 - (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
 - (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Brick as a lien against the real property of the owner.

§ 245-450. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- For nonresidential developments only, the developer shall also be provided with a copy of "State New Nonresidential Form N-RDF. of Jersey Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee, and thereafter notify the developer of the amount of the fee.
- G. Should Brick fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Brick. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Brick. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 245-451. Affordable Housing Trust Fund.

A. There has previously been created a separate, interest-bearing housing trust fund, which continues to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds

from the sale of units with extinguished controls.

- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units, if applicable;
 - (4) Repayments from affordable housing program loans, if applicable;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with Brick's affordable housing program.
- C. The Superior Court shall now have such jurisdiction to direct the disbursement of the Township's trust funds per N.J.A.C. 5:93-8.
- D. All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by the Court.

§ 245-452. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the Housing Trust Fund may be used for any activity approved by the Court to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining, extending or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, scattered site development and rehabilitation or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse Brick for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
- (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. Brick may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements set forth in the Court-approved December 13, 2017, executed Settlement Agreement with the Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- F. Court approval of Brick's spending plan constitutes a "commitment" on the part of the Township for expenditure of funds pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions to commence on the anniversary of a final Judgment of Repose in accordance with the provisions of <u>In re</u> Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (Aff'd 442 N.J. Super. 563.)

§ 245-453. Monitoring.

By January 3 of each year through 2025, Brick shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (DCA), COAH, or Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to the Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all Housing Trust Fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Brick's housing program, as well as to the expenditure of revenues and

implementation of the plan approved by the Court.

§ 245-454. Ongoing collection of fees.

The ability for Brick to impose, collect and expend development fees shall expire with its Courtissued Judgement of Compliance unless Brick has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgement Action, and has received the Court's approval of its development fee ordinance. If Brick fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Brick shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Brick retroactively impose a development fee on such a development. Brick shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

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

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

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

PASSED: ADOPTED:	
SIGNED:	MAYOR
	COUNCIL PRESIDENT
ATTEST [.]	

TOWNSHIP CLERK





Affordable Housing & Fair Share Plan
APPENDIX E –AFFORDABLE HOUSING ORDINANCES

APPENDIX E RESOLUTION OF ADOPTION

TOWNSHIP OF BRICK PLANNING BOARD ADOPTION OF THE PERIODIC RE-EXAMINATION OF THE MASTER PLAN RESOLUTION AFFORDABLE HOUSING & FAIR SHARE PLAN ELEMENT

Resolution: R-19-2025

PAGE 1

June 11, 2025

WHEREAS, the Township of Brick has undertaken a study to update the Affordable Housing & Fair Share Plan Element of the Master Plan which Element was last adopted by the Township of Brick in compliance with a Court Master's Report for a Mount Laurel Fairness and Preliminary Compliance Hearing in the matter of the application of the Township of Brick, County of Ocean regarding the settlement agreement between the Township of Brick and the Fair Share Housing Center, on March 22, 2017; and

WHEREAS, such updating is required by the New Jersey Municipal Land Use Law in accordance with N.J.S.A. 40:55D-28(b)(3) of the MLUL and the mandatory requirements of a Housing Element under the recently amended New Jersey Fair Housing Act (P.L. 2024, c.2), relevant regulations of the New Jersey Council on Affordable Housing ("COAH"), and the Administrative Office of the Courts Directive #14-24; and

WHEREAS, the Planning Board has worked with the Township's Division of Land Use and Planning and the Master Plan Committee of the Township Planning Board to make careful and comprehensive surveys, reports and studies to comply with the township's obligations for the provision of low and moderate-income housing opportunities in accordance with the Department of Community Affairs' requirements; and

WHEREAS, this Housing Element and Fair Share Plan has been prepared in response to the New Jersey Legislature's adoption of amendments to the Fair Housing Act, P.L. 2024, c.2, N.J.S.A. 52:27D301 et. seq., which establishes the Township's Fourth Round affordable housing obligation for the time period 2025-2035. This Fourth Round Housing Element and Fair Share Plan delineates the actions taken, and to be taken, by the Township to create a "realistic opportunity" to satisfy its "fair share" of the regional need for affordable housing; and

WHEREAS, the Planning Board has finalized its review of the Master Plan and regulations; and

WHEREAS, the Planning Board held a Master Plan Hearing on June 11, 2025 in compliance with 40:55D-13; and

WHEREAS, the Planning Board has considered the comments, suggestions and recommendations of the public with regard to the Master Plan; and

PAGE 2

WHEREAS, the Planning Board is satisfied that the Affordable Housing & Fair Share Plan Element incorporates all matters which bear an essential relation to the planning of the provision of the Township's obligations pursuant to the Mount Laurel Doctrine and the aforementioned statutes and regulations, and the Department of Community Affairs' Fourth Round obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Brick, County of Ocean, State of New Jersey on the 11th day of June, 2025 that the attached Affordable Housing & Fair Share Plan Element of the Master Plan hereby is adopted.

VOTE ON MEMORIALIZATION

MOVED BY: Mr. Philipson

SECONDED BY: Mr. Halloran

VOTING IN THE AFFIRMATIVE: Councilman Minichinio, Mr. Philipson,

Mr. Halloran, Ms. Lambusta, Mr. Ward,

Mr. Aiello, Mr. Cooke

VOTING IN THE NEGATIVE

INELIGIBLE TO VOTE:

PRESENT BUT NOT VOTING:

ABSTAINING:

ABSENT: Mr. Fagen, Mr. Nugent, Mr. Starr, Mr. Osipovitch

CERTIFICATION

I, Pamela O'Neill, Clerk of the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that this resolution was duly ADOPTED by the said Planning Board of the Township of Brick at a regular meeting held on the 11th day of June, 2025.

IN WITNESS WHEREOF, I have set my hand this 11th day of June, 2025.

Pamela O'Neill

Clerk of the Planning Board

TOWNSHIP OF BRICK

OCEAN COUNTY, NEW JERSEY 401 CHAMBERS BRIDGE ROAD, BRICK, N.J. 08723

Lisa Crate, Mayor

Township Council:
Derrick T. Ambrosino - President
Vince Minichino - Vice President
Perry Albanese
Heather deJong
Steve Feinman
Marianna Pontoriero
Melissa Travers



Division of Land Use Planning Community Development Program

Tara B. Paxton, MPA, PP, AICP Township Planner 732-262-4783 Fax: 732-262-2941 tpaxton@twp.brick.nj.us www.bricknj.gov

NOTICE

The Brick Township Planning Board will hold a Special Public Meeting on Wednesday, June 11, 2025, at 5:00 PM at the Municipal Building, 401 Chambers Bridge Road, Brick, NJ for the following:

Brick Township Planning Board SPECIAL PUBLIC MEETING - June 11, 2025

Place: Municipal Building, 401 Chambers Bridge Road, Brick, NJ

Time: 5:00 PM

- 1. Roll Call
- 2. Presentation:

Master Plan: FOURTH ROUND HOUSING ELEMENT AND

FAIR SHARE PLAN

Presented by: Tara Paxton, Municipal Planner, MPA,PP, AICP

- 3. Comments from Board Members
- 4. Comments from Public
- 5. Adjournment

Formal action may be taken.







Ad ID: 85601 Invoice

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Brick, NJ 08723

Erin Sauter

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Erin Sauter Brick Township 401 Chambers Bridge Road Brick, NJ 08723

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Charges from 5/30/2025 to 5/30/2025

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5/30/25	os	Affidavit	Affidavit: Legal Line Ad - Ocean	\$13.00			\$13.00

\$34.70	<u> </u>	\$34.70

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Amount Enclosed

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Advertising Prebill Date: 5/28/2025

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13 Broad Street 732-223-0076

Manasquan, NJ 08736 Fax 732-528-1212

AFFIDAVIT OF PUBLICATION

State Of New Jersey
County of Ocean

SS

I, Alison Manser Ertl, publisher of The Ocean Star, a newspaper printed and published once a week at Point Pleasant Beach, in said county and state, who being duly sworn, deposeth and saith that the advertisement, of which the annexed is a true copy, has been published in said newspaper 1 time(s), beginning on the 30th day of May, 2025 and ending on the 30th day of May, 2025.

Sworn and subscribed to before me this 30th day of May, 2025.

Mandate

Notary Public of New Jersey

Total Cost Including \$13.00 Affidavit Fee: \$34.70 Brick Township Notice for PB HEFSP

TOWNSHIP OF BRICK PUBLIC HEARING NOTICE OF PLANNING BOARD HEARING ADOPTION OF THE TOWNSHIP'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Please take notice that, pursuant to N.I.S.A. 40:55D-13 of the Municipal Land Use Law (the "MI.U.L"), the Township of Brick Planning Board will conduct a public hearing at 5:00 p.m. on June 11, 2025 at the Municipal Building located at 401 Chambers Bridge Road, Brick, N.J. to hear public comment on the adoption of the Township's Fourth Round Housing Element and Fair Share Plan, which will amend the Township's Master Plan. After public comment, the Planning Board shall consider adoption of the Fourth Round Housing Element and Fair Share Plan by way of resolution.

The proposed Fourth Round Housing Element and Fair Share Plan was prepared in accordance with N.J.S.A. 40:55D-28(b)(3) of the MI.U.I. and the mandatory requirements of a Housing Element under the recently amended New Jersey Fair Housing Act (P.L. 2024, c.2), relevant regulations of the New Jersey Council On Affordable Housing ("COAH"), and the Administrative Office of the Courts Directive #14-24. The Fourth Round Housing Element and Fair Share Plan also delineates the actions taken, and to be taken, by the Township to create a "realistic opportunity" to satisfy its "fair share" of the regional need for affordable housing.

A copy of the proposed Fourth Round Housing Element and Fair Share Plan of the Township's Master Plan, and any other relevant documents, are on file for public inspection in the Brick Township Planning Board Secretary's office in the Municipal Building, 401 Chambers Bridge Road, Brick, N.J. between 9:00 a.m. and 4:00 p.m. Monday through Friday. Any party interested in commenting on the Fourth Round Housing Element and Fair Share Plan may do so at the public hearing or may submit written comments to the Planning Board prior to the public hearing date.

PAMELA O'NEALL.

PAMELA O'NEALL Planning Board Secrets (\$21.70) (70) (5/30) The Ocean Star

NANCY CORCORAN

NOTARY PUBLIC

STATE OF NEW JERSEY

ID # 2430640

MY COMMISSION EXPIRES FEB. 29, 2028



Agency: Erin Sauter Brick Township 401 Chambers Bridge RD Brick NJ 08723-2807 Acct: 1122041 Client: Erin Sauter Clerk's Office Brick Township 401 Chambers Bridge RD Brick NJ 08723-2807 Acct: 1122041

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Order#	Advertisement / Description	Columns x Lines x Insertions	Rate per Lines	Cost
11345814	PUBLIC HEARING NOTICE OF PLANNING BOARD HEARING TOWNSHIP OF BRICK ADOPTION OF	2 x 41.00 x 1	\$0.44	\$71.08
		Net Total Due:		\$71.08
Costs above include daily ad cost and any associated affidavit charges, where applicable		# of Copies :	PO #:	
		1	Check #:	

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CERTIFICATION BY RECEIVING AGENCY I, HAVING KNOWLEDGE OF THE FACTS, CERTIFY AND DECLARE THAT THE GOODS HAVE BEEN RECEVIED OR THE SERVICES RENDERED AND ARE IN COMPLIANCE WITH THE SPECIFICATIONS OR OTHER REQUIREMENTS, AND SAID CERTIFICATION IS BASED ON SIGNED DELIVERY SLIPS OR OTHER REASONABLE PROCEDURES OR VERIFIABLE INFORMATION.	CERTIFICATION BY APPROVAL OF I CERTIFY AND DECLARE THAT TH CORRECT, AND THAT SUFFICIENT SATISFY THIS CLAIM. THE PAYMEN TO: APPROPRIATION ACCOUNT(S) AND	IS ORDER CONFIRMATION IS FUNDS ARE AVELABLE TO NT SHALL BE CHARGEABLE
SIGNATURE:	SIGNATURE:	
TITLE:DATE:	TITLE:DATE:	
CLAIMANT'S CERTIFICATION AND DECLARATION: I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES	OF THE LAW THAT THIS ORDER CON	

I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES OF THE LAW THAT THIS ORDER CONFIRMATION IS CORRECT IN ALL ITS PARTICULARS; THAT THE GOODS HAVE BEEN FURNISHED OR SERVICES HAVE BEEN RENDERED AS STATED HEREIN; THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITHIN THE KNOWLEDGE OF THIS CLAIMANT IN CONNECTION WITH THE ABOVE CLAIM; THAT THE AMOUNT HEREIN STATED IS JUSTLY DUE AND OWING; AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.

Date: 05/27/2025

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Official Position: Clerk

Signature: Mucole Jacobs

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AFFIDAVIT OF PUBLICATION

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Of the Asbury Park Press, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in said newspaper in the issue:

05/27/2025

Legal Clerk

Notary Public State of Wisconsin County of Brown

\$4-6-E

My commission expires

DENISE ROBERTS Notary Public State of Wisconsin

PUBLIC HEARING NOTICE OF PLANNING BOARD HEARING TOWNSHIP OF BRICK ADOPTION OF THE TOWNSHIP'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

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Pamela O'Neal Planning Board Secretary (\$36.08)