

Affordable Housing & Fair Share Plan Amendment



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



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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



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



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	Renamed “Prior Round”
Second cycle obligation (1993-1999)	Obligation= 1,022 units (92 rehabilitation and 930 prospective need units)	
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.

Status of Prior Round

The Municipality’s Prior Round obligation and Third Round obligation was reviewed and recorded in the Program Decision Recommendation -Housing Element and Fair Share Plan filed on Docket No. OCN-L-321-25:

- a. The Municipality’s Present Need (Rehabilitation) Obligation is 149 units;
- b. The Municipality’s Prospective Need Obligation (2025-2035) is 322 units;
- c. The Municipality’s First and Second Rounds Obligations is 930 units;
- d. The Municipality’s Third Round Obligation (1999-2025) is 1,133 units;
- e. The Township of Brick and Fair Share Housing Center of Cherry Hill New Jersey have entered into a Mediation Agreement, which sets forth the manner in which the Municipality shall address Round Four affordable housing obligations, including a detailed description of Prior Round and Third Round Obligations that is outlined next.
- f. The Municipality’s Prior Round obligation of 930 has been met with the following mechanisms:



Prior Round (1987-1999): Brick Township’s First Round and Second Round obligations is 930 and has been fully met with the following affordable housing strategies and mechanisms:

Project	Type	Units	Bonus	Total
Credits without Controls	Family	412		412
Timber Ridge Family	Family for sale	12		12
Scattered site	Family for sale	20		20
Waterside Gardens	Family rental	16	16	32
George Conway Apts	Age-restricted (rental)	113	37.33	150.33
Forge Pond – Chambers Bridge	Age-restricted (rental)	17	5.66	22.66
Alternate living arrangements	Disabled (Rental bonus)	203	114	317
		793	172.99	965.99

- Surplus credits: 930 required vs. 965.99 (36 unit surplus) – complies.

Table 2

Prior Round Compliance Parameters - 930 Prospective Share

25% Max bonus: 232.5

25% Max Age-restricted: 232.5

25% min. rental requirement: 232.5

50% Min. Family requirement: 465

- **Bonus claimed vs. permitted: 172.99 vs. 232.5 (conforms)**
- **Age-restricted claimed vs. permitted: 130 vs. 130**
- **Rental unit claimed vs. required: 349 vs. 233 (Waterside Gardens, George Conway apartments, Forge Pond – Chambers Bridge, Alternative living arrangements:**
- **Family units claimed vs. required: (credits without controls, Timber Ridge, scattered site, and waterside gardens 412 + 12 + 20 + 16 = 460)**
- **Shortfall excess: 930 required vs. 965.99 (36 unit surplus)**





g. Third Round Obligation of 1,133, adjusted to an RDP of 105 and an unmet need of 1,036, which shall be met by the following mechanisms:

- a. The Third Round RDP of 105 has been fully addressed with 79 units/credits and maximum of 26 bonuses as follows:

Third Round (1999-2025): The Township's Third Round RDP of 105 is addressed with the following affordable housing strategies and mechanisms:

Project	Type	Units	Bonus	Total
Ext. Expiring Controls	Family for sale	18		18
Scattered site family for sale	Family for sale	4		4
Waterside Gardens	Family rental	21	21	42
Ocean Pointe/Brick Gardens	Family rental	9	9	18
Rocky Mtn. Blvd. (Block 1091, Lot 2.02) Mkt. to Aff.	Family rental	1	0	1
Brandywine Asst. Living	Age-restricted (rental)	10	3.33	13.33
Reflections at Gables	Age-restricted (rental)	5	1.65	6.65
Shorrocks Gardens Care Center	Age-restricted (rental)	3	1	4
The Worthington	Age-restricted (rental)	8	2.64	10.64
		79	38.62	117.62

Adjusting for the bonus cap of 26, Brick Township identifies 79 units/credits and 26 bonus credits for a total of 105 vs. RDP of 105. - complies

Third Round Compliance Parameters (RDP – 105):

- 25% Max bonus: 26
- 25% Max Age-restricted: 26
- 25% Min Rental: 26
- 50% Family requirement: 53
- 12.5% family rental requirement: 13
- 13% very low-income requirement: 13

- Max. 25% bonus claimed vs. allowed: 26 vs. 26 (12.66 surplus bonus credits) - complies
- Max. age-restricted claimed vs. allowed: 26 vs. 26 (Brandywine, Reflections, Shorrocks Gardens, Worthington) - complies
- Min. rental claimed vs. required: 57 vs. 26 (Waterside, Ocean Pointe, Rocky Mtn. Blvd. mkt. to aff., Brandywine Asst. Living, Reflections at Gables, Shorrocks Gardens, Worthington) - complies
- Family units claimed vs. required: 53 vs. 53 required (Exp. Controls, Scattered site, Waterside, Ocean Pointe, Rocky Mtn. Blvd.) - complies
- Family rental units claimed vs. required: 31 vs. 14 (Waterside, Ocean Pointe, Rocky Mtn. Blvd) - complies
- Very low-income claimed vs. required: 26 vs. 14 (Brandywine, Reflections, Shorrocks, Worthington) - complies



This assessment of Prior Round and Third Round compliance demonstrates that Brick Township has met its fair share for the Prior Round and Third Round, and indicates that the Township satisfied both the Prior Round and Third Round affordable housing obligations. It is evidence of the Township's sustained commitment to affordable housing compliance. As such, as indicated in the Prior Round and Third Round compliance demonstration above, Brick Township effectively satisfies the provisions of C.52:27D-304.1 3. f. (2) that require the HEFSP to provide "... an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations...". The Township has met this statutory requirement for a Round Four compliant Housing Element and Fair Share Plan.

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 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 Coastal 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 rationale 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. The VLA was contested in the challenges to the Township’s 4th Round Plan, therefore the methodology was adjusted from the original analysis to remove the impervious cover inclusion and included properties that had been excluded as recommended by the Courts. This changed the VLA from 24.2625 acres in the original analysis to 73.30 acres in the revised VLA.

4 th Round - Vacant Land Analysis (VLA)									
ID	BLK_LOT	BLOCK_1	LOT_1	CARD	PROPERTY_L	PROPERTY_C	PROPERTY_Z	MOD IV Acres	MODIV Acres - NJAC 5:93-4.2 (c)
428	1108-16	1108	16	1	975 BURNT TAVERN RD	4B	M1	10.85	10.85
428	1108-17	1108	17	1	BURNT TAVERN RD	1	M1	12.86	7.91
395	381.05-14	381.05	14	1	BRICK BLVD.	1	B2	3.52	2.36
398	1421-18.01	1421	18.01	1	656 HERBERTSVILLE RD.	1	R20	3.91	3.91
432	685-7.02	685	7.02	1	1253 CEDAR BRIDGE AVE	1	B3	25.54	23.48
	548.01-24	548.01	24	1	100 Drum Point Road	4A	VZ	4.60	4.60
	548.01-18	548.01	18	1	100 Drum Point Road	1	VZ	0.41	0.41
396	1170-15	1170	15	1	956 ROUTE 70	1	HS	3.60	3.60
399	1422-7	1422	7	1	743 SCHOOLHOUSE RD.	1	R15	3.92	3.92
381	1034-6.01	1034	6.01	1	2158 ROUTE 88	1	B2	2.18	0.98
355	755-34.01	755	34.01	1	1501 ROUTE 88	1	B1	1.03	1.03
364	697-1	697	1	1	00 OLD TOMS RIVER RD.	1	B3	1.24	1.24
352	698-1	698	1	1	00 OLD TOMS RIVER RD.	1	B3	0.99	0.99
361	768-17.04	768	17.04	1	1454 ROUTE 88	1	B2	1.10	1.10
385	109.10-4	109.1	4	1	261 MANTOLOKING RD.	1	VZ	2.48	1.01
353	869-5	869	5	1	1867 ROUTE 88	1	B2	1.02	1.02
366	1026-8	1026	8	1	2193 ROUTE 88	1	B2	1.30	1.30
377	547-22.01	547	22.01	1	BRICK BLVD.	1	B2	1.86	1.86
376	1026-20	1026	20	1	2225 ROUTE 88	1	B2	1.73	1.73
								Total	73.30

Table 4



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 6 du/ 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.
3. The Build Out (total possible units) was then multiplied by 20% to derive the Realistic Development Potential of Affordable Units.
4. 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.
5. 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.





The Township originally calculated the Realistic Development Potential (RDP) based on the Vacant Land Analysis of 24.26 acres, when the VLA was adjusted 73.30 acres during the negotiations from the court challenges, the RDP resulted in an increase from the original calculation of 29 units to 106 units.

4 th Round Realistic Development Potential (RDP)								
ID	BLK_LOT	PROPERTY_L	Zone	MODIV Acres - NJAC 5:93-4.2 (c)	*8 du/ac >5 acres	* 6 du/ac	RDP=20%	NOTES:
428	1108-16	975 BURNT TAVERN RD	M1	10.85	86.80		17.36	Developable
428	1108-17	BURNT TAVERN RD	M1	7.91	63.28		12.66	Developable
395	381.05-14	BRICK BLVD.	B2	2.36		14.16	2.83	Developable
398	1421-18.01	656 HERBERTSVILLE RD.	R20	3.91		23.47	4.69	Developable
432	685-7.02	1253 CEDAR BRIDGE AVE	B3	23.48	187.84		37.57	Developable
	548.01-24	100 Drum Point Road	VZ	4.60	36.80		7.36	Developed - Medical Office & Single Family Residential
	548.01-18	100 Drum Point Road	VZ	0.41	3.30		0.66	Developed - Medical Office & Single Family Residential
396	1170-15	956 ROUTE 70	HS	3.60		21.60	4.32	Developable
399	1422-7	743 SCHOOLHOUSE RD.	R15	3.92		23.52	4.70	Developable
381	1034-6.01	2158 ROUTE 88	B2	0.98		5.88	1.18	Developable - under construction - commercial site plan
355	755-34.01	1501 ROUTE 88	B1	1.03		6.18	1.24	Developable - would generate 1 unit
364	697-1	00 OLD TOMS RIVER RD.	B3	1.24		7.44	1.49	Developable - would generate 1 unit
352	698-1	00 OLD TOMS RIVER RD.	B3	0.99		5.92	1.18	Developable - would generate 1 unit - No Access
361	768-17.04	1454 ROUTE 88	B2	1.10		6.60	1.32	Developable - would generate 1 unit -Site Plan Approval for Office
385	109.10-4	261 MANTOLOKING RD.	VZ	1.01		6.06	1.21	Developable - would generate 1 unit -Wetlands Buffers may reduce development area
353	869-5	1867 ROUTE 88	B2	1.02		6.12	1.22	Developable -Pending Multi-family Use Variance & Site Plan Application
366	1026-8	2193 ROUTE 88	B2	1.30		7.80	1.56	Developable -would generate 1 unit
377	547-22.01	BRICK BLVD.	B2	1.86		11.15	2.23	Developable Behind Enzo's Pizza - No Access
376	1026-20	2225 ROUTE 88	B2	1.73		10.38	2.08	Developable Self Storage Approval
				73.30			106.86	

Table 5



Recommended 4th Round Obligation based on RDP

Present Need: According to the 2025 HEFSP, Brick Township’s Present Need of 149 will be addressed by continuing the Township’s existing municipal rehabilitation program. Brick Township may adjust the Present Need obligation in accordance with N.J.A.C. 5:93-5.2(a) and Appendix C, which permits a municipality to perform a visual inspection of residential structures to determine the number of homes that are actually in fair or poor condition.

Prospective Share (2025-2035): Brick Township’s Round Four Prospective Share is 322 and the Township claims a Round Four RDP of 106, which has been recalculated by Brick Township during the Program’s review of the HEFSP. Brick Township recalculated the RDP based on a VLA revision. These revisions included the 975 Burnt Tavern Road, LLC, and 100 Drum Point Road, LLC sites in answering challengers comments that the two sites were not included in the RDP calculation. Brick remedied this criticism by including the two sites into the revised VLA and RDP calculation of 106, which is accurate.

Brick Township will address the RDP of 106 with the following approved affordable housing strategies and mechanisms:

4 th Round Plan				
Project	Type	Units	Bonus	Total
1. Scattered site family for sale (511 Central Ave, H-F-H)	Family for sale	2	0	2
2. Proposed Ext. of Expiring Controls	Family for sale	10	0	10
3. 975 Burnt Tavern Road ¹ (redevelopment)	Family rental	53	53	106
4. Joanne Marie – Drum Point	Family rental	5	0	5
5. Rocky Mtn Blvd. (Block 1091, Lot 2.02) Ext. of Exp. Control	Family rental	2	0	2
6. Brightview 1568 Route 88	Age-restricted (rental)	9	4.5	13.5
7. Group home	Supportive - rental	4	4	8
		85	61.5	147.5

Table 6

Adjusting for the bonus cap of 26, Brick Township identifies 85 units/credits and 26 bonus credits for a total of 111 unit credits and bonuses vs. RDP of 105 (85 units/credits + 26 bonus credits = RDP of 106). - complies

Brick Township’s Plan to address the Round Four RDP of 106 satisfies the following Round Four Compliance Parameters (RDP-106):

25% Max bonus: 26	50% Family requirement: 53
25% Max Age-restricted: 26	12.5% family rental requirement: 13
25% Min Rental: 26	13% very low-income requirement: 13



- Max. 25% bonus claimed vs. allowed: 26 vs. 26 (35.5 surplus bonus credits) - complies
- Max. 25% age-restricted claimed vs. allowed: 9 vs. 26 (Brightview) - complies
- Min. 25% rental claimed vs. required: 73 vs. 26 (975 Burnt Tavern Road, Joanne Marie, Rocky Mtn Blvd., Brightview, Group home) - complies
- Min. 50% Family units claimed vs. required: 72 vs. 53 required (975 Burnt Tavern, Joanne Marie, Rocky Mtn Blvd.) - complies
- Min. 12.5% Family rental units claimed vs. required: 60 vs. 13 (975 Burnt Tavern Road, Joanne Marie, Rocky Mtn Blvd.) - complies
- Min. 13% Very low-income claimed vs. required: 13 vs. 13 (Brandywine, Reflections, Shorrock, Worthington) - complies

Unmet Need. N.J..S.A. 52:27D-310.1 requires that “any municipality that receives an adjustment of its prospective need obligations ... based on a lack of vacant land, shall ... identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation...”. (the so-called 25% Unmet Need requirement).

In response to this 25% Unmet Need requirement (N.J..S.A. 52:27D-310.1), Brick Township identifies a revised realistic zoning ordinance to address Unmet Need of 54. The unmet need requirement is 25% of the difference between the Prospective Share of 322 and the RDP of 106 – in this case, realistic zoning for 54 affordable units. Brick Township will address this requirement through the following Unmet Need affordable housing mechanisms:

1. Middle housing overlay Zone (MHOZ), consisting of approximately 72 acres of land spread among 50 parcels of land, primarily consisting of sites along major thoroughfares in Brick Township. This zoning was initially proposed in the HEFSP in such a way that it was not clear that the desired affordable unit yield could be obtained. As a result, Brick Township revised the requirements for the proposed MHOZ to provide a density of 10 dwelling units per acre and to permit a variety of attached housing types and bulk requirements to provide realistic zoning for redevelopment. The gross acreage included in the MHOZ theoretically yields 720 total units and 144 affordable units.
2. The Township will adopt a mandatory affordable housing set-aside ordinance to require all new residential developments of five units or more to provide a 20% set-aside including for-sale or rental units, in attached, detached and mixed-use housing configurations.
3. The Township will adopt the Burnt Tavern Multifamily Zone in response to the settle ment agreement with 975 Burnt tavern Road to allow for 264 multifamily residential units inclusive of 53 low-moderate income units.



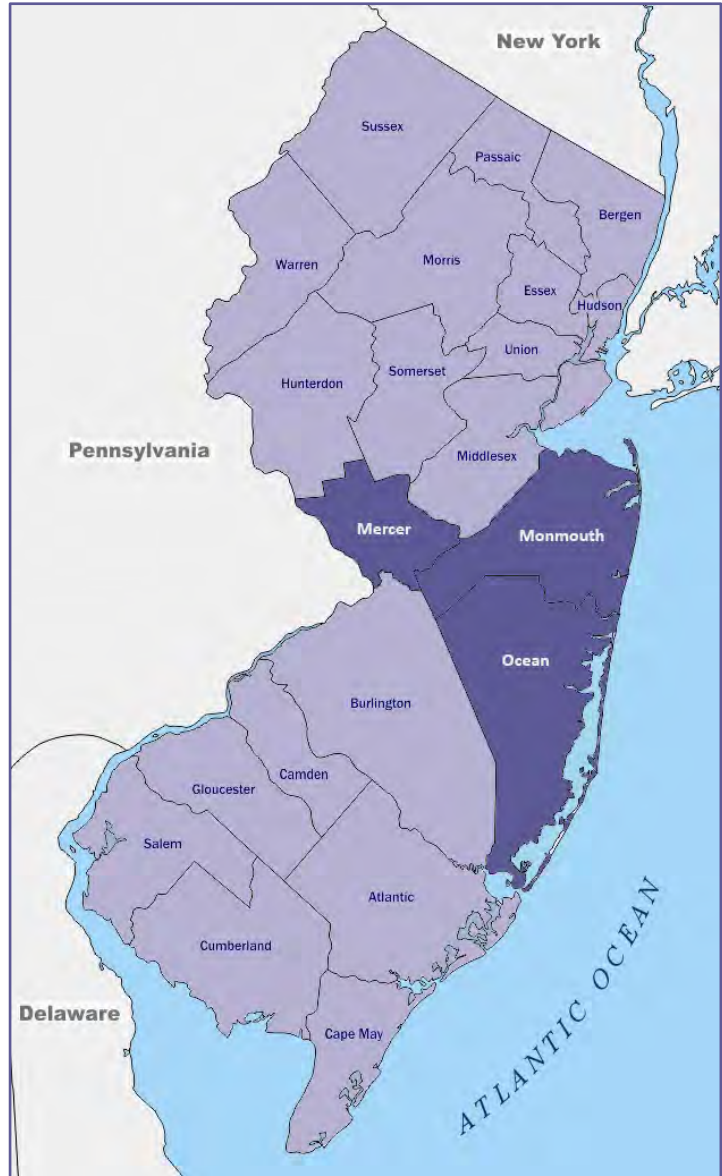
What is Affordable Housing?

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 7: 2024 Affordable Housing Regional Income Limits by Household Size Housing Region 4
*As of April 2024



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
Single 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 8 – Township of Brick Average Housing Unit Sq. Ft. by Zone



*R-R Zones allow for clustering in age-restricted developments

The Township has a variety of housing types including the single-family home of which there are 26,625. 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.



Another category of single-family homes includes age-restricted 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.



Row Houses and Multi-family units include Townhouses, Condominiums, Duplexes, Tri-plexes, and Quads and all Multi-Family units in the Township.

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.



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 9 – 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.



Land Most Appropriate for Affordable Housing – Fourth Round Plan

The Township of Brick is primarily built-out and has limited vacant land in which to provide new development opportunities. Therefore, a focus on mechanisms to extend expiring controls, encourage in-fill development for single-family scattered sites, redevelopment of non-conforming sites with overlay zoning and credits for special needs and supportive housing are the focus of the Fourth Round Plan over the next ten-year period 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.

Pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. and the Administrative Directive #14-24, on January 30, 2025, the Township filed an action in the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Brick State of New Jersey, Docket No. OCN-L-321-25, to participate in the voluntary process before the Affordable Housing Dispute Resolution Program (“Program”) and seeking relief including approval of the Township’s Fourth Round (2025-2035) Housing Element & Fair Share Plan, and a Certificate of Compliance.

The Planning Board in the Township of Brick adopted The Plan on June 11, 2025. The Plan was subsequently challenged by three parties; following participation in the Affordable Housing Dispute Resolution Program, the Township, Fair Share Housing Center and Developer have agreed to amicably resolve the issues set forth in the Challenges through an Agreement, for which an amendment to the Plan is required.

The proposed Amended Fourth Round Housing Element and Fair Share Plan was prepared 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. The Amended 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. The table below sets forth the mechanisms the Township has included in this Plan to meet its obligation:

Fourth Round Plan

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

Family For-Sale Units: 12 units – 18 credits

Scattered Site Family – For Sale – 2 (Bonus 0.5) = Total Credit 3

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.



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.

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. A bonus credit of 0.5 is eligible for each unit.

Extension of Expiring Controls – Single Family-For Sale – 10 units (.5 bonus each – 5 bonus)= Total Credits 15

TOWNSHIP OF BRICK SINGLE FAMILY SCATTERED SITES - 33			
INDIVIDUAL HOMES	BLOCK-LOT	INCOME LEVEL	Controls Expire
1453 Princess Ave.	793-7	Moderate	2026
87 Red Maple Dr.	1108.07-6	Moderate	2026
21 White Pine Dr.	1108.05-10	Moderate	2026
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	2035
24 Bedford Ave.	1156.13-1	Moderate	2035
2561 Hooper Ave.	552.01-13	Low	2036
288 Cherry Quay Rd.	340-56.04	Moderate	2038
604 Glenwood Ave.	589-12	Low	2038
536 Pennsylvania Ave.	1396.21-61	Low	2039
5 Blue Spruce Place	1108.06-2	Low	2041
261 Ashwood Dr.	701.38-13	Moderate	2042
891 Beacon Ave.	486-27	Moderate	2043
85 Red Maple Dr.	1108.03-43	Low	2044
392 Jarome St.	1108.03-46	Low	2044
12 Red Maple Dr.	1108.06-17	Low	2044
380 Jarome St.	1108.03-52	Moderate	2044
20 Red Maple Dr.	1108.06-13	Low	2044
17 Blue Spruce Place	1108.06-8	Moderate	2044
41 Red Maple Dr.	1108.03-21	Moderate	2044
22 Blue Spruce Place	1108.05-12	Low	2045
396 Jarome St.	1108.03-44	Moderate	2045
1540 Aspen St.	1173-108.02	Low	2048
1548 Aspen St.	1173-108.01	Moderate	2048
118 Maplewood Dr.	701-27-8	Low	2049
1544 Aspen St.	1173-108.03	Moderate	2049
121 Wiscasset Trail	1018-44	Moderate	2050
476 East End Ave.	662-27	Moderate	2054
933 Beacon Ave.	508-21	Low	2057

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. 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. Bonus credits of 0.5 are eligible to each single-family unit extension of controls.

Family Rentals – 62 (Bonus 39) = Total Credits -101

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). The Township has included the following family rental projects in its 4th Round Plan:

Table 10



Joanne Marie - 5 Units – 7.5 Credits - A recently approved Use Variance and Site Plan project called Joanne Marie including 18 **new multi-family rental apartments** inclusive of 5 family rentals set-aside for family rental units. This project was approved in 2023 and is located at 305-307 Drum Point Road. The site received approval for the multi-family development on property that was once a commercial/industrial use as “HR Welding,” which is eligible for 0.5 credits per unit.

Victorian Gardens -2 Units – 3 Credits - Homes Now, Inc. will be pursuing **extensions of expiring controls** at Victorian Gardens, an apartment development with deed restricted rental apartments that will be expiring in the 4th Round. 2 apartment units will be pursued to extend controls. The location of this site is Rocky Mountain Blvd. Block 1091, Lot 2.02. Each of these units are entitled to 0.5 bonus credits.

Victorian Gardens -1 Unit – 1.5 Credits - 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. The location of this site is Rocky Mountain Blvd. Block 1091, Lot 2.02. This unit is entitled to 0.5 credits.

975 Burnt Tavern Road - 54 Units – 27 Bonus Credits - 81 Credits – The Township is incorporating the proposed **multi-family residential rental apartment** development as a result of a settlement agreement with the property owners at 975 Burnt Tavern Road. This 264-unit multi-family development is proposed on a property that was known as “Anchor Concrete,” an industrial use in the M-1 Industrial Zone. The Township is incorporating the **Burnt Tavern Road Multifamily Overlay Zone** in this plan for compliance with the settlement agreement, authorized by the governing body on December 30, 2025. The ordinance is listed in Appendix A.

Age-Restricted Rental – 6 (Bonus 0.3) = Total Credit 9.03 (maximum senior allowance in plan is for 6 credits – 3 will be added to Unmet Need

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 at 1568 Rt. 88 are to be applied in this mechanism.



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

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. These credits have been evaluated to address Prior and Third Round deficits. The Township has identified twelve new group home facilities that were not in existence or counted during the prior rounds or Third Round. For the Fourth Round Plan, we are engaged with AMIB to obtain 4 credits from these units through documentation of licensing or deed restrictions at 874 Gregory Drive.



The following draft overlay zone ordinance will address compliance with the Fourth Round Affordable Housing requirement for the Unmet Need:

Middle Housing Overlay Zone (MHOZ) – The full ordinance is listed in Appendix A.

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 to provide realistic opportunities to zone for the creation of affordable housing in the State of New Jersey to address municipal affordable housing obligations. Inclusionary zoning under the law has created a paradox where most typically, high-income luxury housing is constructed in order to generate a 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. 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. 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 focuses on the building form and arrangement. 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.





A. MHOZ Bulk and Building Standards

Building Types	Lot area				Height	Footprint by Building	Impervious Cover	Building Setback/Location from Lot Line					Parking															
	Width	Depth	Total Minimum Lot Area	Permitted Residential Density				Front	Side	Rear	Accessory	Distance between Dwellings																
Carriage House/Bungalow	75' min.	100' min.	7,500 sf	10 dwelling units per acre	2 ½ stories	Lot Coverage by building/s 35% max.	Maximum 65%	20'	10'	20'	Dwelling: 1 ½ stories max. Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	1 bedroom = 1.8 per bedroom/ 2+ bedroom - 2.5 per unit 9'x 18' spaces															
Cottage Court	150' min	100' min.	20,000 sf	10 dwelling units per acre	To Eave/Parapet: 24' max.	Accessory Structures (s) Width 24' max. Depth 36' max		20' min.;	10' min.;	20' min.;				Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet												
Detached House: Compact	75' min.	100' min.	7,500 sf		Overall: 35' max.			40' max.	15' max.	15' max.							Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet									
Duplex	75' min.	100' min.	15,000 sf					20'	10'	20'										Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet						
Townhouse/Rowhouse	100' min.	100' min.	1 acre	10 dwelling units per acre	Ridge: 38.5'			20' min.	10' min	15' min													Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet			
Multi-Plex Small/Garden Apartment	200' min.	100' min.	1 acre	10 dwelling units per acre				20' min.	20' min.	15' min.																Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet
Live/Work	100' min.	100' min.	1 acre	10 dwelling units per acre				30' min.	25' min.	15' min.																		
							30' min.	25' min.	15' min.	Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	Non-residential : 1 per 300 square feet																

Table 11

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.

This ordinance 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. 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.

The ordinance addresses two planning goals;

1. The redevelopment of smaller lot, non-conforming uses that have the potential to create small-scale multi-family developments where there is potential for affordable unit creation. Most lots in zone are contiguous creating potential for assemblage and opportunity for affordable housing unit construction on highway frontages (MHOZ-A); and
2. The creation of Inclusionary multi-family affordable housing developments where the larger scale building types in the Middle Housing Overlay Zone have potential for redevelopment to create realistic opportunities for affordable housing unit creation (MHOZ-I).



The Middle Overlay Zone requires a minimum set aside of 20% of units to be available to low- and moderate-income units for any single-family or multi-family residential development consisting of five dwelling units or more.

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

Fourth Round Obligation		106				
Obligation Requirements, Caps & Bonuses						
	Units	Bonuses		Provide		
Total obligation (RDP)	106					
Total permitted bonuses		26				
Minimum family units (50% of total units)	52			YES - 73 proposed		
Minimum rental units (25% total units)	26.5			YES - 61 proposed		
Minimum family rental units (50% of total rental units)	13.25			YES - 61 proposed		
Minimum VLI units (13% of total units)	13.78			YES		
Minimum 3BR units (20% of total family units)	10.4			YES		
Permitted age-restricted	31.8					
Permitted age-restricted bonuses		3.1				
Fourth Round Compliance Mechanisms	Units	Bonus	Bonus Type	Total Credits	Comments	Unmet Need
For-Sale Family						
Scattered Site Family -For Sale	2	1	Single Family	3	Habitat For Humanity Project -Center Drive - Anticipated Completion 2027	
Extension of Expiring Controls Single Family For Sale	10	5		15	Deed Restrictions filed prior to expiration	
Rentals						
975 Burnt Tavern Road	53	26.5	Conversion from Commercial/Industrial to Residential	79.5	Settlement for Multi-family Rental at 975 Burnt Tavern for 264 Rentals	
Joanne Marie 305-307 Drum Point Road Family Rental	5	2.5	Conversion from Commercial/Industrial to Residential	7.5	305-307 Drum Point Road – Anticipated Completion 2026	
Extension of Expiring Controls Victorian Gardens - Rocky Mountain Blvd. Family Rental	2	1	Extension of Family Rental	3	Victorian Gardens -Controls extended prior to expiration	
Market to Affordable Family Rental - Victorian Gardens - Rocky Mountain Blvd.	1	0.5		1.5	Market to Affordable Conversion of Family Apartment	
Age Restricted Rental						
Brightview Assisted Living (9) - 1568 Rt. 88 Approved	6	0.3	Senior	6.3	Assisted Living – Anticipated Completion 2026	
Supportive Special Needs						
Group Homes -AMIB -874 Gregory Dr.	4	4	Supportive Special Needs	8	Purchase of Deed Restriction Pending – Anticipated completion 2025	
Supportive/Special Needs						
Totals	83	40.8	Masx Bonuses = 26.5	Actual =123.8	83 +26.5 =109.5	

Table 12



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. The spending Plan is provided in Appendix B.

Affordable Housing Projection

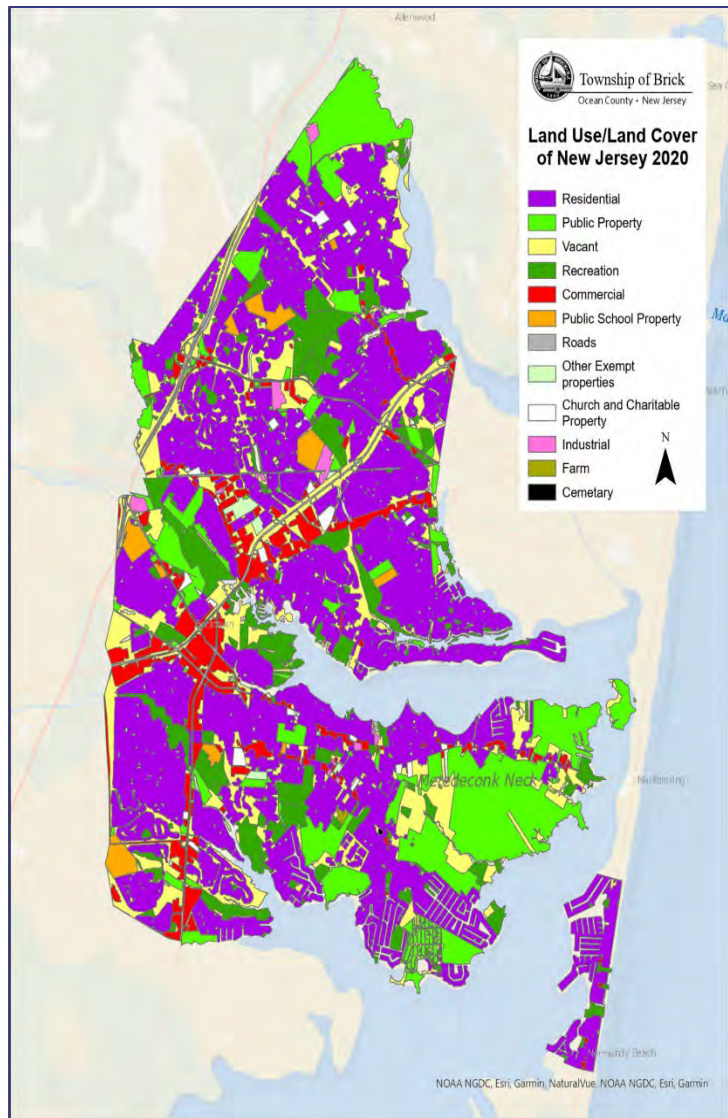
Completion of the mechanisms listed above and a build out analysis of the Middle Housing Overlay Zone would generate the required 25% of the reduced Prospective Need $322 - 106(\text{RDP}) = 216 \times 25\% = 54$ Affordable Housing units over 10 years and 106 Fourth Round Units with 9.8 credits towards unmet need.



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 Building Data	
Type	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 13

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.



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
Cemetery	2.07	0.01%	0.0032
TOTAL	16390.40	100%	25.61

*Approximate

Table 14

The local development followed a traditional suburban auto-oriented 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.

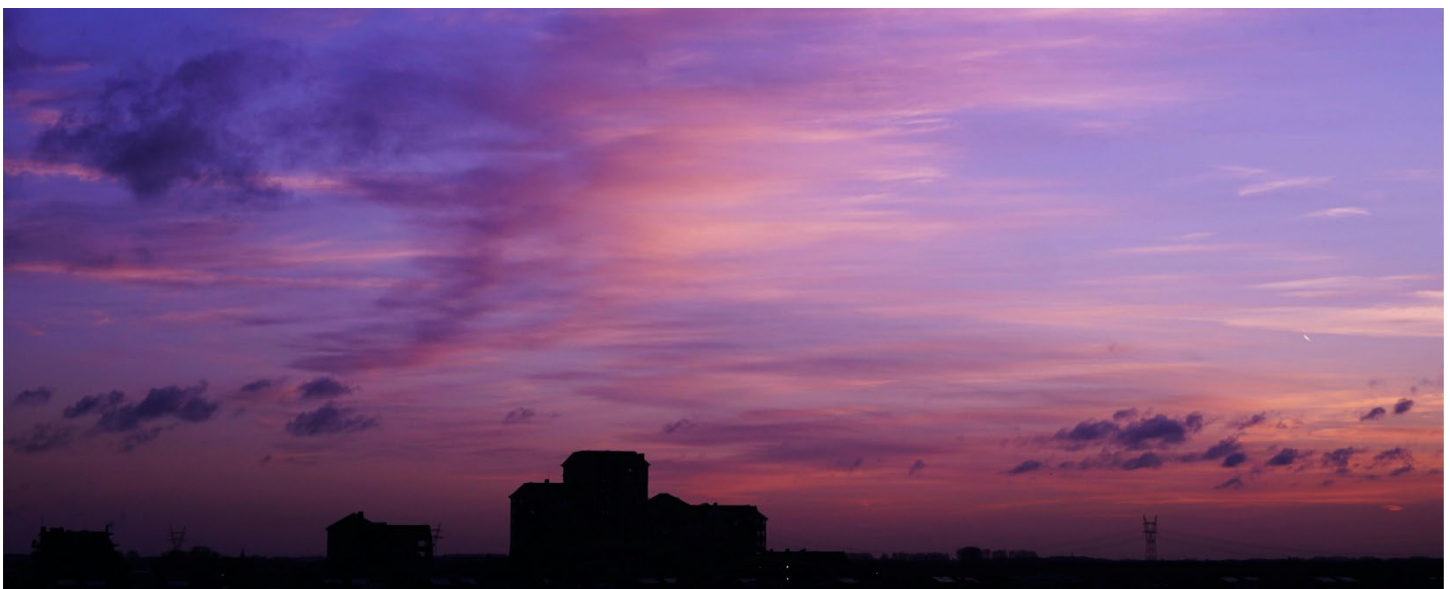




Table 15

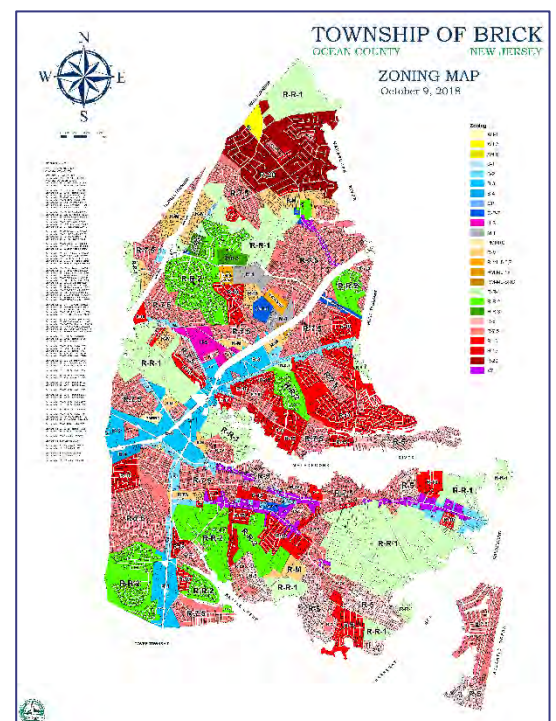
Zoning	Acreage	% of Total
BUSINESS		
B-1	41.12	0.30%
B-2	333.61	2.40%
B-3	709.95	5.11%
B-4	40.00	0.29%
H-S	124.33	0.90%
M-1	136.71	0.98%
O-P-T	99.19	0.71%
OP	5.52	0.04%
PMRRC	23.73	0.17%
RESIDENTIAL		
AH-1	7.27	0.05%
AH-2	47.31	0.34%
AH-3	1.67	0.01%
R-10	1324.86	9.54%
R-15	482.69	3.48%
R-20	757.01	5.45%
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%
VILLAGE	336.79	2.43%
TOTAL	13881.01	100.00%

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 non-conforming 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

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

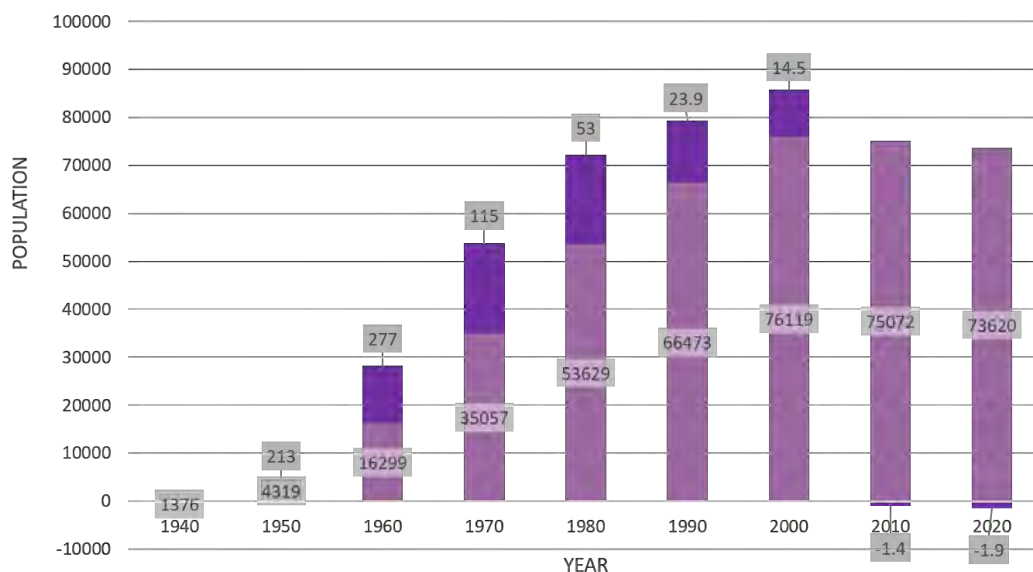


The population in the Township of Brick expanded rapidly in the latter half of the 20th century, increasing by over 275% between 1950 and 1960, and over 100% between 1960 and 1970. Steady population growth continued for three more decades including a 14.5% growth between 1990 and 2000.

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.

Fig. 1 TOWNSHIP OF BRICK POPULATION 1940-2020





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											
Label	Households		Families	Nonfamily households	2024 Affordable Housing Regional Income Limits by Household Size - Region 4						
	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%		35.40%			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 Bureau, U.S. Department of Commerce. "Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars)." American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1901, 2025											

Table 16

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.

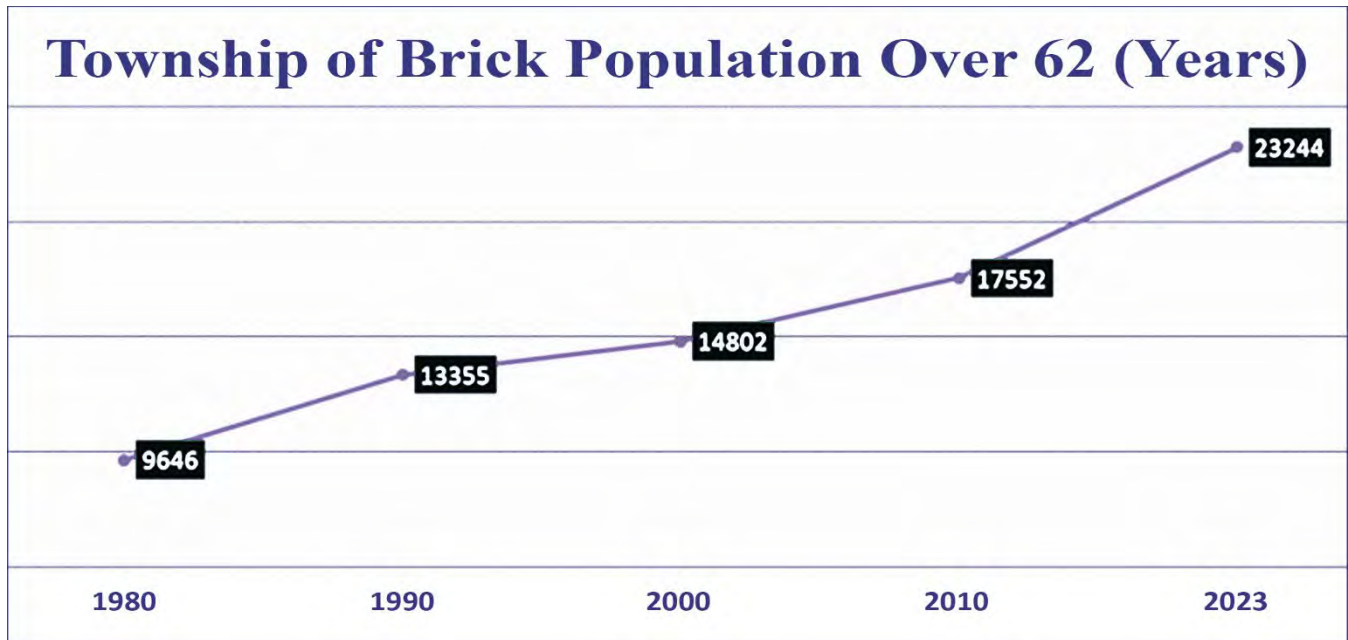
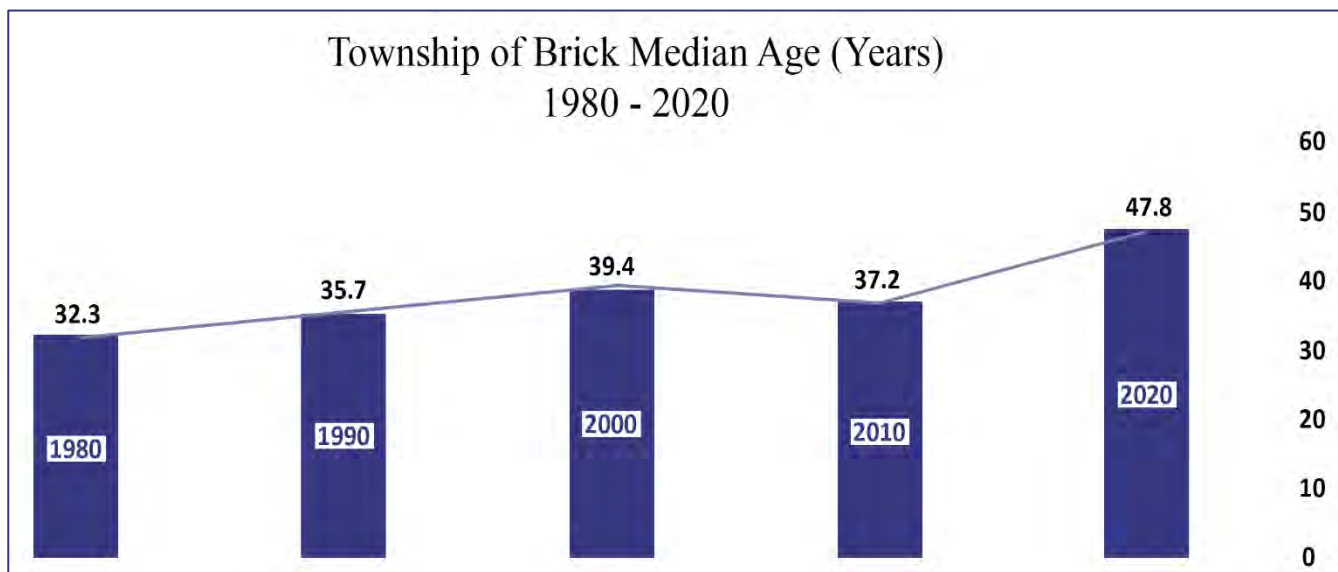


Fig. 2

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.

Fig. 3





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. 4

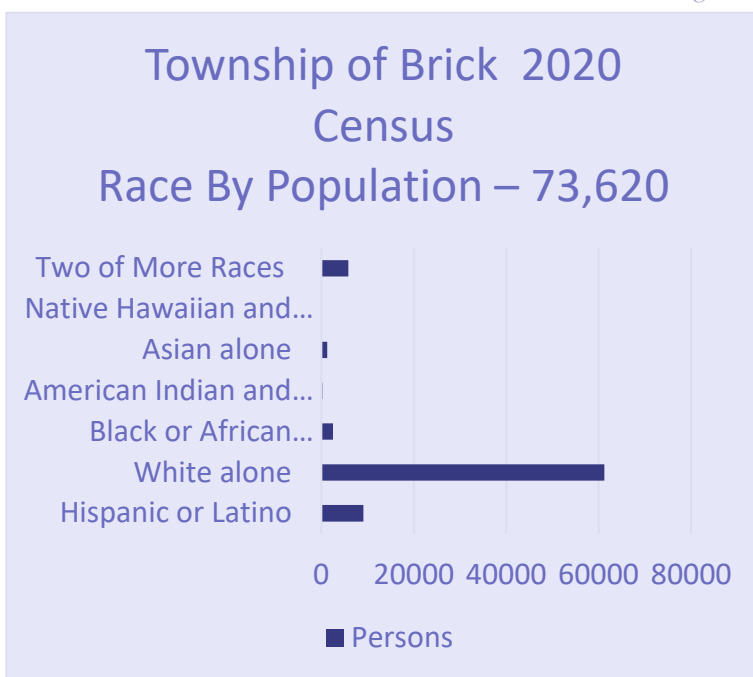
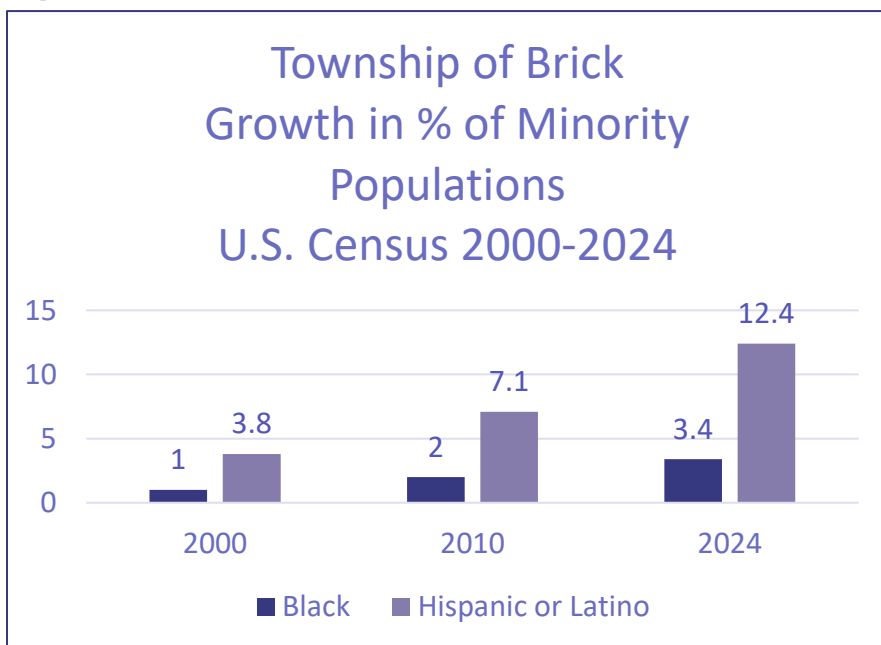


Fig. 5



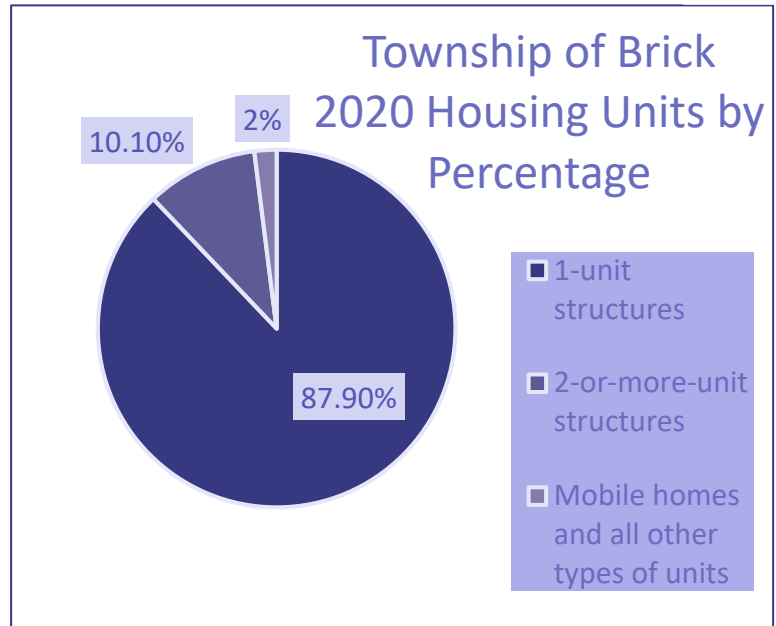
According to the American Community Survey, the largest occupation group in the Township of Brick is the educational services, health care and social assistance sectors making up 22.9% of the labor force. Other large occupation groups include retail trade (13.9%), transportation, warehousing and utilities (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.



Housing Stock and Permits

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.

Fig. 6



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 17

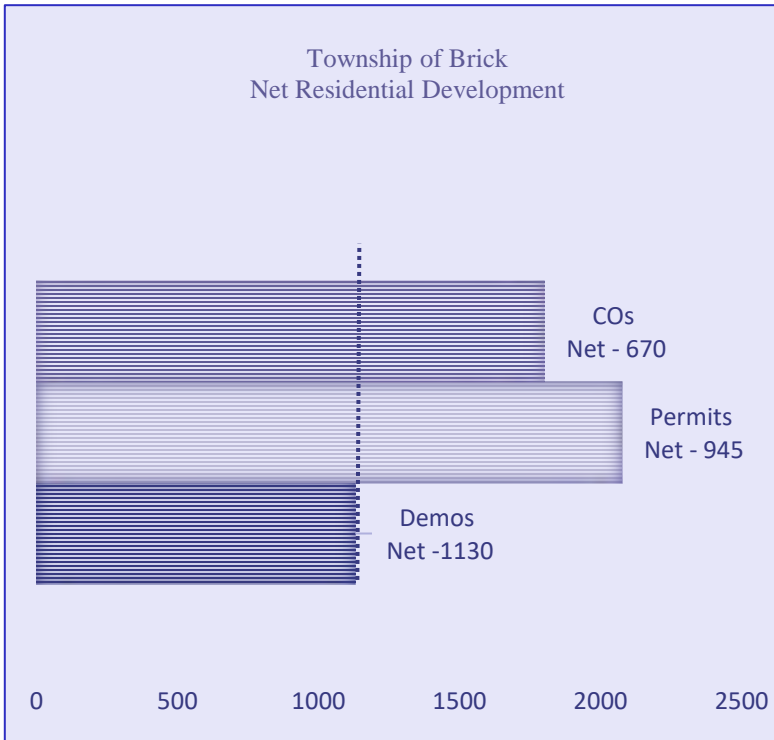
Township of Brick New Residential Construction Permits				
Year	Total	1&2 family	Multifamily	Demolitions
2013	101	101	0	254
2014	167	166	1	129
2015	142	112	30	95
2016	215	125	90	72
2017	97	97	0	48
2018	93	93	0	48
2019	203	202	1	40
2020	109	109	0	34
2021	163	163	0	32
2022	65	65	0	31
2023	94	94	0	26
2024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



Fig. 7

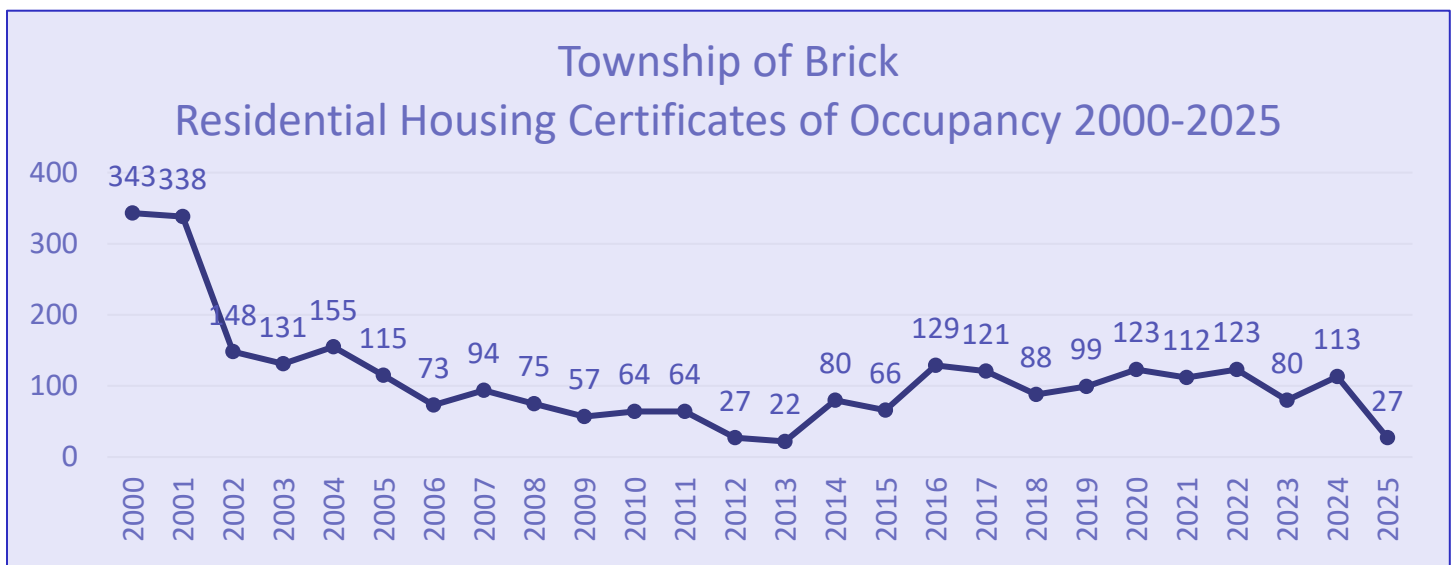


In addition to the decline in the issuance of residential building permits and certificates of occupancy is the significant number of single family residential demolitions that have taken place as well. Over the past 15 year period, the Township has issued more than 1,130 residential demolition permits. To understand the importance of this information, it must be compared with the number of new housing permits and single-family certificates of 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





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 use 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 of 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.

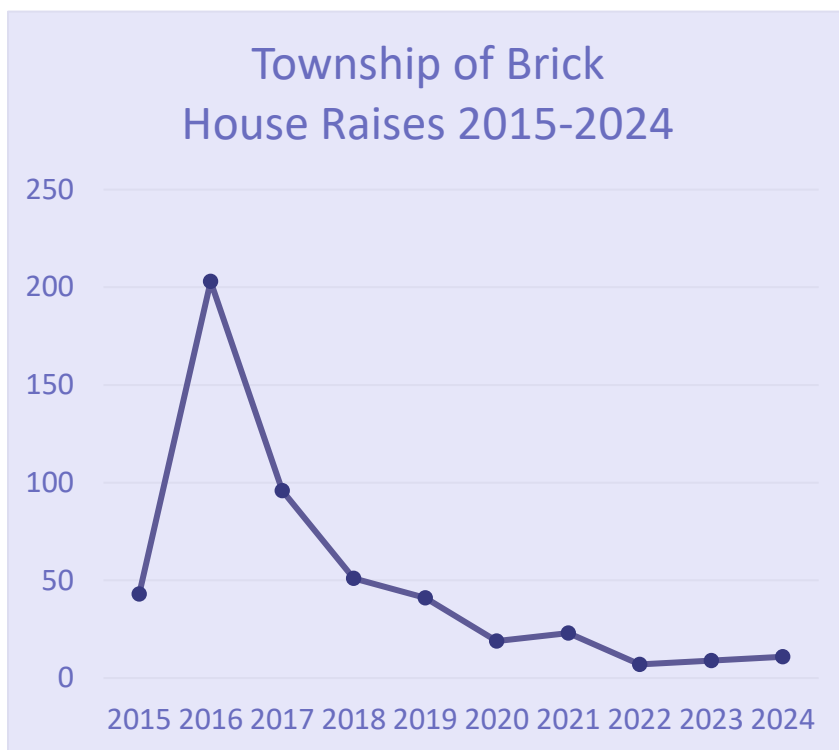


Fig. 9

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

ORDINANCES



**Brick Township Council
Caucus/Public Meeting
February 24, 2026
7:00 PM
Agenda No. 1**

1. Call to order.
2. Adequate notice of this meeting was provided and published in The Asbury Park Press and The Ocean Star on January 16, 2026. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricknj.gov).
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Accept Reports from Municipal Officers.
 - d. Approve Minutes from February 10, 2026 Meeting.
 - e. Presentation – Recognize Maureen Laffey-Berg on her Retirement.

Consent Agenda

“All matters listed under item “Consent Agenda” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately.”

4. Resolutions:

- ___ 1. Authorize Confirmation of Appointment of Certified Municipal Financial Officer.
- ___ 2. Recognize Patrolman Kris DeMarco Officer of the Year Award Recipient.
- ___ 3. Recognize Lt. Thomas McNelis Award Recipient.
- ___ 4. Authorize Receipt of Bids – Printing Services.
- ___ 5. Authorize Award of Contract – Snow Removal Services.
- ___ 6. Authorize Award of Contract – Operation of Brick Beach 1 Food Concession Stand.
- ___ 7. Authorize Award of Contract – Operation of Brick Beach 3 Food Concession Stand.
- ___ 8. Authorize Amended Shared Services Agreement with the Borough of Mantoloking – Municipal Court Services.
- ___ 9. Authorize Designation of Duquesne Boulevard Between Rt. 70 and Brick Blvd. as a County Road.
- ___ 10. Authorize Shared Services Agreement – Regional SWAT Team of Ocean County.
- ___ 11. Authorize Special Event Permit – Best Day Foundation Event.
- ___ 12. Bond Releases/Reductions
 - a. Inspection Fund Release – Block 170, Lot 14.
 - b. Inspection Fund Release - Block 382, Lot 8.
 - c. Inspection Fund Release – Block 1210.25, Lot 5.
- ___ 13. Tax Collector
 - a. 100% DAV/Widow of Veteran Deduction – Block 382.35, Lot 32.
 - b. 100% DAV/Widow of Veteran Deduction – Block 1426.02, Lot 2.
 - c. Tax Overpayment 2026 – Block 383.32, Lot 28.

*******END OF CONSENT AGENDA*******

- ___ 14. Bill Resolution – Computer 2026.
- ___ 15. Bill Resolution – Manual 2026.

5. Ordinances on First Reading:

- ___ 1. Repeal and Replace Chapter 245, Part 6, Articles L Through LII to Address Affordable Housing Requirements of the NJ Superior Court.
- ___ 2. Amend Chapter 245 - Repeal and Replace Article VII, “Site Specific Affordable Housing Zoning” and Include Section 245-76, “Middle Housing Overlay Zone”.
- ___ 3. Amend Chapter 245 - Amend Article VII “Site Specific Affordable Housing Zoning” to Add Section 245-77, “Burnt Tavern Multifamily Zone”.

6. Ordinances on Second Reading:

- ___ 1. Bond Ordinance for Acquisition of Property for Open Space Preservation – 2414 Hooper Avenue.
- ___ 2. Bond Ordinance for Acquisition of Property for Open Space Preservation – Summit Avenue.



**Brick Township Council
Caucus/Public Meeting
February 24, 2026
7:00 PM
Agenda No. 1**

7. Public Comments.
Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.
8. Council/Administration Comments.
9. Adjournment.

Next scheduled Caucus/Public meeting will be on Tuesday, March 10, 2026 at 7:00 p.m.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY REPEALING AND REPLACING, CHAPTER 245, PART 6, 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 ORDAINED 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 1. Chapter 245, Article VI, entitled "Mandatory Development Fees," is hereby repealed in its entirety and reserved.

Section 2. 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 section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Township of Brick consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP")
- 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 Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
 - (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
 - (2) This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP,

including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.

- (3) Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

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

AFFORDABILITY AVERAGE — 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 DISPUTE RESOLUTION PROGRAM - The dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

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 older; 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.).

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.

BUILDER'S REMEDY – Court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

CERTIFIED HOUSEHOLD — 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.).

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

COUNTY LEVEL HOUSING JUDGE - A judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

DCA — 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.

EQUITY SHARE AMOUNT - The product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last

non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

EXIT SALE- The first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

EXCLUSIONARY ZONING LITIGATION - Litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

EXTENSION OF EXPIRING CONTROLS - Extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

FAIR SHARE OBLIGATION- The total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

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

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

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

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

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

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

MODERATE-INCOME HOUSEHOLD — 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, multi-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.

MUNICIPAL AFFORDABLE HOUSING TRUST FUND – A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

MUNICIPAL DEVELOPMENT FEE ORDINANCE - An ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

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

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

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.

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

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

SUPPORTIVE HOUSING HOUSEHOLD - A very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing

stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

SUPPORTIVE HOUSING SPONSORING PROGRAM- Grant or loan program which provided financial assistance to the development of the unit.

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

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

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

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

VERY-LOW-INCOME HOUSEHOLD - A household with a household income less than or equal to 30 percent of the regional median income.

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

VERY-LOW-INCOME UNIT — 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 residential developments. All development approvals for new residential development in the Township of five or more units 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 residential 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 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 residential units by 5 or more units.

- (3) Set-aside requirements for residential development. All development approvals for 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 to low-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 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 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.
 1. Payments in lieu of constructing affordable units may represent fractional affordable units. The affordable housing requirement shall not be rounded.
 2. Payments in lieu of constructing affordable units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and subject to the provisions thereof. 5. Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Zoning that does not require an affordable housing set-aside or permit a corresponding payment in lieu may be subject to a development fee ordinance pursuant to N.J.A.C. 5:97-8.3.
 - (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 to approve any such application.
 - (f) 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.

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

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

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

- vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses *may* be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.

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

- v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§ 245-420. Affordable Housing Programs

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

- c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Market to Affordable program (per N.J.A.C. 5:97-6.9).
- a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
 - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
 - e. The units shall comply with UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
 - f. Affordability average (N.J.A.C. 5:80-26.4); however:
 - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and

- ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
- 4. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
 - a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
- 5. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e. Low- and moderate-income residents cannot be charged any upfront fees.
 - f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services

as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

6. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
 - a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
 - ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
 - iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - v. Occupancy shall not be restricted to youth under 18 years of age.
 - vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with D1 above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

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

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

ARTICLE LI

Affordable Unit Controls and Requirements

§ 245-425. Regional Income Limits.

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

§ 245-426. Maximum Initial Rents And Sales Prices.

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

- a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
- a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§ 245-427. Affirmative Marketing.

- 1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- 2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or

sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.

3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Monmouth, and Ocean Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

§ 245-428. Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§ 245-429. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

§ 245-430 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

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

9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§ 245-431. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 245-432. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a

gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§ 245-433. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the

maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

§ 245-434. Control Periods for Restricted Rental Units.

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

§ 245-435. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§ 245-436. Tenant Income Eligibility.

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

**ARTICLE LII
Administration**

§ 245-437 Municipal Housing Liaison.

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

§ 245-438. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.

4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
 - e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
 - f. Resales and re-rentals.

- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§ 245-439. Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit

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

§ 245-440. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$1,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid

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

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

Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

§ 245-441. Through § 245-444. Reserved

**ARTICLE LIII
Development Fees**

§ 245-445. Purpose.

- A. Affordable housing development fees shall be paid by all developers other than developers of exempt developments and affordable inclusionary housing developments and shall consist of monies paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules. Affordable housing development fees collected shall be used for the sole purpose of providing low- and moderate-income housing.

- B. Fee calculations. Fees shall be based on the equalized assessed value, which shall be the value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Township Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Township Tax Assessor

§ 245-446. 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. Residential development fee exemptions.
 - 1. The following development shall be exempt from residential development fees:
 - a. Affordable housing developments;
 - b. Developments where the developer is providing for the construction of affordable units elsewhere in the Township
 - c. Developments where the developer has made a payment in lieu of on-site construction of affordable units.
 - d. All residential dwellings destroyed due to fire, flood, or other natural disaster and rebuilt by their owners 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.

- e. Developers of tax-exempt and nonprofit uses shall be exempt from paying development fees.
- D. 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.
- E. 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.

§ 245-447. 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.

§ 245-448. Collection procedures.

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

§ 245-449. 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.

§ 245-450. 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 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.

§ 245-453. Through § 245-454. Reserved.

SECTION 3. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the **24TH** day of **February, 2026**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **10th** day of **March**, 2026 at 7:00 p.m., at the Brick Township Municipal Building located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 245,
“LAND USE”, SO AS TO ADD SECTION 245-77
WHICH SHALL BE ENTITLED "BURNT TAVERN
MULTIFAMILY ZONE (BTMF)”**

WHEREAS, the Township Council of the Township of Brick desires to amend and supplement the Township’s Zoning Ordinance to provide for the construction of an inclusionary residential development designed to assist the Township in satisfying its fair share housing obligation through construction of affordable units set aside for very-low, - low, and moderate-income households, pursuant to the *Mount Laurel* doctrine and the laws of New Jersey; and

WHEREAS, the Burnt Tavern Multifamily (BTMF) Zone is comprised of the property identified as Lots 16 and 17, Block 1108, on the Township of Brick Tax Map; and

WHEREAS, the Township Council of the Township of Brick desires to adopt this Ordinance pursuant to a settlement agreement between 975 Burnt Tavern, LLC, and the Township, dated December 29, 2025, in the case captioned *In the Matter of the Application of the Township Brick* docketed at OCN-L-321-25.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows

SECTION 1. The Township Code of the Township of Brick is hereby amended so as add a new § 245-77 which shall be entitled “Burnt Tavern Multifamily Zone (BTMF) which shall read as follows:

§ 245-77. Burnt Tavern Multifamily Zone (BTMF)

A. Principal permitted uses:

- (1) Multi-family residential buildings.
- (2) Mixed-use buildings. Are permitted, but not required, along the Burnt Tavern Road frontage only. In a mixed-use building, the nonresidential use shall be permitted on the ground floor with residential units above. Notwithstanding, improvements related to the residential use shall be permitted on the first floor, including but not limited to, access doors, lobbies, hallways, and amenities such as community rooms, gyms, storage, waste and recycling, and parking.
- (3) Twenty percent (20%) of the total residential units shall be set-aside as affordable.
- (4) The following commercial, retail, and office uses shall be permitted within mixed-use buildings:
 - i. The retail sale of goods, such as but not limited to:
 1. Restaurants and luncheonettes.
 2. Baked goods stores.
 3. Confectionary stores.
 4. Food stores.
 5. Drugstores.
 6. Dry goods stores.
 7. Meat and poultry stores.
 8. Packaged liquor stores.
 9. Flower shops.
 10. Household supplies stores.
 11. Stationery supplies stores.
 12. Haberdashery, dress goods and notions.
 - ii. Personal service establishments, such as but not limited to:
 1. Barber and beauty shops, for humans and domestic animals
 2. Tailoring and dressmaking shops.
 3. Dry-cleaning and laundry collection shops.
 4. Banks and fiduciary institutions.

5. Studios for such activities as aerobics, fitness and personal training, domestic animal training, martial arts, dance, music and art, health and fitness facilities.
 - iii. Professional offices, such as but not limited to:
 1. Professional occupations, including the office of a physician, dentist, architect, engineer, accountant, lawyer or member of a recognized profession.
 2. The office of an insurance agent or real estate broker.
- B. Permitted accessory uses.
- (1) Off-street parking facilities and parking lots.
 - (2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.
 - (3) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, enclosed dog park/run area, and other similar uses.
 - (4) Patios, decks, covered and uncovered terraces and balconies.
 - (5) Fences and walls.
 - (6) A maintenance building accessory to the multi-family buildings.
 - (7) A pump station maintenance building, not to exceed 1,500 s.f. of coverage and 25 feet in height, if required.
 - (8) Satellite dishes and solar energy panels mounted at ground level, which shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper screening after two growing seasons. These location requirements do not apply to solar energy panels that are mounted flush, or nearly flush, with building sides or roofs.
 - (9) Antennae.
 - (10) Bike racks.
 - (11) Signs.
 - (12) Site lighting. The arrangement of exterior lighting shall adequately and safely illuminate parking areas, internal roadways, and walkways.
 - (13) Other uses which are customarily incidental to a permitted principal use.
 - (14) Temporary construction and sales trailers.
 - (15) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, junction boxes, water and sewer utilities, cable, and the like.
 - (16) Emergency generators.
- C. Maximum density. The maximum number of residential units permitted within multi-family buildings is 264 units. The number of residential units per building shall be consistent with the Concept Plan attached to the Settlement Agreement. Nothing herein shall be construed to limit the ability to develop all 264 units.
- D. Affordable Housing. Not less than 20% of the total units developed on the site shall be affordable housing rental units. The affordable units shall comply with the applicable the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all other applicable law.
- E. Bulk, area, and building requirements.
- (1) Minimum principle building setbacks. *
 - i. Front yard: 50 feet
 - ii. Side yard (adjacent to existing residential dwellings fronting on Red Maple Drive): 60 feet
 - iii. Side yard (other). 50 feet
 - iv. Rear yard. 50 feet
 - (2) Minimum clubhouse setback. 100 feet (all yards)
 - (3) Minimum building setback from internal roads, aisles, and parking areas. 10 feet
 - (4) Minimum building to building separation. 30 feet**
 - (5) Building height. ***

- i. 2 buildings along Burnt Tavern Road frontage. 2 ½ stories and 38.5 feet to top of ridge for portion of building facing frontage, and the remainder of buildings 3 stories and 40 feet to top of ridge.
 - ii. All other multifamily buildings. 3 stories and 40 feet to top of ridge.
 - iii. Clubhouse. 30 feet to top of ridge.
 - iv. Architectural elements, parapets, cornices, walls, mechanical equipment, screening of mechanical equipment, vent pipes, ventilators, elevator banks, stair access, and other rooftop appurtenances are excluded from the calculation of building height.
- (6) Maximum impervious coverage. 65% (of gross land area)
 (7) Maximum building coverage. 30% (of gross land area)
 (8) Maximum floor area ratio. Not applicable.

*Setbacks are calculated from property line, and may overlap with buffers or setbacks required by any county or state agency.

** Patios, balconies, awnings, stairways servicing buildings are not included in the calculation of minimum distance between buildings.

***Building height is measured from the finished development grade to the highest point of a roof.

F. Site access, off-street parking, and loading requirements.

- (1) Two site access driveways shall be permitted from Burnt Tavern Road to the site.
- (2) The number of parking spaces for residential use shall be consistent with the requirements of the Residential Site Improvements Standards N.J.A.C. 5:21-1.1 et seq.
- (3) The number of parking spaces for nonresidential uses shall be 3 parking spaces per 1,000 square feet of leasable floor area.
- (4) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 1,000 square feet of gross floor area. Shared parking between a club house or amenity space and residential units is permitted.
- (5) No Loading spaces are required in connection with residential use. If a mixed-use building, or buildings are proposed, 1 loading space for each mixed-use building shall be provided.
- (6) Parking spaces and parking areas shall be setback a minimum of 75 feet from the property boundary along the Burnt Tavern Road frontage, and 15 feet in all other yards.
- (7) Parking space dimensions for all perpendicular parking spaces, for both residential and commercial uses, shall be 9 feet by 18 feet.
- (8) Parallel parking spaces shall be permitted along the entrance driveway to the site and shall be 9 feet by 22 feet.
- (9) Notwithstanding any requirements to the contrary, no landscape islands shall be required in the parking areas.
- (10) Compliance with EVSE standards in Section 245-311.1 of the Ordinance, is required.

G. Landscape buffer.

- (1) Along the site's western boundary and contiguous to existing residences on Red Maple Drive: A 20 foot wide and 6 foot tall berm shall be provided with a 30 foot wide planted buffer provided on the berm.
- (2) In a front, side, or rear yard contiguous to wetlands or wetlands buffers a landscaped buffer is not required.
- (3) All planted buffers shall be planted with an all-season screen consisting of groups of evergreen and deciduous trees staggered in double rows 15 feet on center. Evergreen tree groups shall consist of three to seven evergreen trees (minimum of four feet in height at planting). Deciduous tree groups shall consist of one canopy tree (minimum of 6 feet in height at planting), and three ornamental trees (minimum of four feet in height at planting.)

- H. Signs. Signage shall be coordinated allowing for and promoting way finding and building identification.
- (1) One monument or freestanding project identification sign at each site entrance along the Burnt Tavern Road frontage in accordance with the following standards:
 - i. Signs shall be non-illuminated or externally illuminated.
 - ii. Signs shall be landscaped and may identify the community project name, developer, and logo.
 - iii. The maximum sign area containing text and logos shall not exceed 25 square feet for each side of the sign if two-sided.
 - iv. The maximum sign height, including the structure and sign area, shall not exceed 8 feet above proposed finished grade.
 - v. The minimum sign setback shall be 10 feet from the public right-of-way.
 - vi. Monument and freestanding signs shall be located outside of any sight triangle easements.
 - (2) One (1) wall mounted building identification sign is permitted for each face of a building abutting an internal roadway or parking area. The wall mounted sign shall have a maximum height of 12 feet and a maximum area of 8 s.f. Wall mounted signs may be externally illuminated.
 - (3) One (1) wall mounted sign for each tenant space within a mixed use building, and two (2) wall mounted signs for any corner nonresidential space, or nonresidential space with more than one façade.
 - (4) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. At entrances to these areas, two signs shall be permitted stating the name of the area or facility, as applicable, and no other advertising material. No sign shall exceed 4 square feet in area and 4.5 feet in height.
 - (5) Street number designation, name plates, postal boxes, on-site directional and parking signs, or similar signage is permitted but shall not exceed an area of two square feet per sign.
 - (6) EVSE signage per Section 245-311.1 of the Ordinance.
 - (7) Real estate signs and flag signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along frontage, provided that such signs are located outside of any sight triangle easements and do not interfere with vehicle sight lines. Such signs shall comply with the following requirements:
 - i. There shall be no more than 5 real estate signs and 10 flag signs advertising leasing.
 - ii. Signs shall be freestanding and non-illuminated, and may be two sided.
 - iii. Real estate signs shall not exceed 25 square feet in area, per side, and 8 feet in height above the ground.
 - iv. Flag signs shall not exceed 60 square feet of area, per side, and shall not exceed 20 feet in height above the ground.
 - v. The text per each sign may include the community project name, developer name, logo, and advertising and informational text.
- I. Refuse and recyclable material storage. Every multi-family building shall provide a storage area to accommodate refuse and recyclable materials. The area shall be screened from view and enclosed by fencing, plantings, or other materials that are contextual with the architectural design of the development.
- J. Phased development.
- (1) The Developer shall be permitted construct the development in phases , provided the phasing requirements of the UHAC are met for each individual phase.
- K. Design Standards.
- (1) The treatment of side and rear walls of any proposed building in terms of building materials and colors shall be similar to and consistent with the treatment of the front facade of that building.
 - (2) Exterior elevations shall have vertical and/or horizontal offsets to create

- visual breaks on the exterior.
- (3) The exteriors of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials.
 - (4) Architectural detail, style, color, proportion, and massing shall reflect the features of a residential scale development utilizing traditional exterior materials such as siding, stone or brick, trim and accent features, architectural asphalt roofing shingles and optional standing seam accent roof as well as pitched roofs with dormer features.
 - (5) Roof pitches shall generally be consistent throughout the development. Peak roofs are encouraged. Interior flat roof treatments shall be permitted provided that observable facades have pitched roofs and that rooftop equipment is screened.
 - (6) Dormers, gables and articulated windows across a building facade, and other similar design features are encouraged as is an orderly relationship among windows, doors, porches, and roof forms.
 - (7) Mixed-use buildings shall incorporate a traditional storefront design with large display windows of clear glass, identifiable entries (where appropriate), transom windows, and suitable locations for signage at ground level.
 - (8) Multiple storefronts within the same mixed-use building shall be visually compatible in terms of scale, alignment, color and materials.

SECTION 2. Zone Map. The Official Zoning Map the Township of Brick is hereby amended to change the zoning designation of Lots 16 and 17, Block 1108, from B-1 to Burnt Tavern Multifamily (BTMF) Zone.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the **24th** day of **February, 2026**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **10th** day of **March, 2026** at 7:00 p.m., at the Brick Township Municipal Building located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the **24th** day of **February, 2026**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **10th** day of **March, 2026** at 7:00 p.m., at the Brick Township Municipal Building located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 245,
“LAND USE”, TO REPEAL AND REPLACE ARTICLE
VII WHICH SHALL BE ENTITLED "SITE SPECIFIC
AFFORDABLE HOUSING ZONING" AND INCLUDE
SECTION 245-76 WHICH SHALL BE ENTITLED
"MIDDLE HOUSING OVERLAY ZONE"**

BE IT ORDAINED by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Brick is hereby amended so as to repeal existing Article VII entitled “Affordable Housing Based on Growth Share” and replace with a new Article VII which shall be entitled “Site Specific Affordable Housing Zoning” and which shall read as follows:

§ 245-75. Legislative Intent. The purpose of this Article is to adopt site-specific zoning standards for the implementation of the Township of Brick’s Fourth Round Housing Element and Fair Share Plan.

§ 245-76. Middle Housing Overlay Zone

A. Purpose.

1. The Middle Housing Overlay Zone addresses two planning goals;
 - a. The redevelopment of smaller lot, non-conforming uses that have the potential to create small-scale multi-family developments where there is potential for affordable unit creation. Most lots in zone are contiguous creating potential for assemblage and opportunity for affordable housing unit construction on highway frontages (MHOZ-A); and
 - b. The creation of Inclusionary multi-family affordable housing developments where the larger scale building types in the Middle Housing Overlay Zone have potential for redevelopment to create realistic opportunities for affordable housing unit creation (MHOZ-I).
2. 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 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 focuses on the building form and arrangement. Five-story high, monolithic apartment buildings are not consistent with the character of the community in Brick. 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.
3. 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.
4. This ordinance 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. 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.

B. Establishment of Overlay. The Middle Overlay Zone standards are applied to the properties set forth on Attachment 7.

C. Affordable Housing Set Aside. The Middle Overlay Zone requires a minimum set aside of 20% of units to be available to low- and moderate-income units for any single-family or multi-family residential development consisting of five dwelling units or more.

D. Permitted Uses. The uses set forth below shall be permitted as a development alternative to the underlying zoning uses allowed by this Chapter, but shall not replace the underlying zoning district.

- a. All uses permitted in underlying zones.
- b. Multi-family housing is permitted on lots of one acre or more.
- c. Single-family or duplex housing is permitted on lots of less than one acre.
- d. Density of no more than 10 du/acre on lots over an acre and no more.
- e. Carriage Houses, Bungalows, Cottages, Detached Compact Houses, Duplex, Townhouse/Rowhouse, Garden Apartments/Stacked Flats, Multi-plex (10 units max), Live/Work Buildings.
- f. Accessory dwellings.

E. Definitions of Building Types.

1. 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 1 ½ 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.
2. Bungalow: 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, a density of no more than 10 dwelling units per acre are permitted on lots of less than one acre or more.
3. Carriage House: 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 than the main building/s on the lot.
4. Cottage Court: 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 (no more than 6) 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. Density of no more than 10 du/acre on lots of an acre or more.
5. Detached Compact House: A small detached residential structure that incorporates one-unit for a single-family occupancy. Main body width of the house – 36' wide maximum. Density of no more than 6 du/acre on lots under an acre and no more than 8 du/acre on lots over an acre in size.
6. Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall (demising wall) extending from basement to roof.¹ Maximum building width and depth is 48'. Minimum dwelling width within the building is 18'. This permitted

building type is designed with the appearance of a medium scale single-family home but provides two living units per building.

7. Townhouse/Rowhouse: 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. Density of no more than 10 du/acre on lots of an acre or more.
8. Compact Garden Apartment/Stacked Flats: 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 6 dwelling units per building.
9. Multi-Plex: A small-medium structure that consists of 5-10 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 single-family dwelling. Main body of the building shall have a maximum width of 48' and depth of 48' maximum
10. Live/Work: A small-medium building type attached or detached structure that consists of up to four dwelling units above or behind a flexible ground floor space that can be used for residential, service, office or retail use permitted in the underlying zone. The nonresidential uses shall front on a county or state highway corridor. Main building body width of 18' minimum and 36' maximum.

F. **MHOZ Bulk and Building Standards.** Set forth on Attachment 6.

SECTION 2. Zone Map. The Official Zoning Map the Township of Brick is hereby amended to add the zoning designation of the properties set forth in Attachment 7 to Middle Housing Overlay Zone (MHOZ) Zone

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the **24th** day of **February, 2026**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **10th** day of **March, 2026** at 7:00 p.m., at the Brick Township Municipal Building located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

ATTACHMENT 6
MHOZ Bulk and Building Standards

Building Types	Lot area			Permitted Residential Density	Height	Footprint by Building	Impervious Cover	Building Setback/Location from Lot Line					Parking
	Width	Depth	Total Minimum Lot Area					Front	Side	Rear	Accessory	Distance between Dwellings	
Carriage House/Bungalow	75' min.	100' min.	7,500 sf	10 dwelling units per acre	2 ½ stories To Eave/Par apert: 24' max. Overall: 35' max. Ridge: 38.5'	Lot Coverage by building/s 35% max. Accessory Structures (s) Width 24' max. Depth 36' max	Maximum 65%	20' Min.	10' Min.	20' Min.	Dwelling: 1 ½ stories max. Or integrated into principal structure with separate means of access. Other: 1 story max.	20' Min.	1 bedroom = 1.8 per bedroom /2+ bedroom -2.5 per unit 9'x 18' spaces Non- residenti al: 1 per 300 square feet
Cottage Court	150' min	100' min.	20,000 sf	10 dwelling units per acre				20' min. ; 40' max.	10' min. ; 15' max.	20' min.; 15' max.			
Detached House: Compact	75' min.	100' min.	7,500 sf					20' Min.	10' Min.	20' Min.			
Duplex	75' min.	100' min.	15,000 sf					20' min.	10' min	15' min			
Townhouse/ Rowhouse	100' min.	100' min.	1 acre	10 dwelling units per acre				20' min.	20' min.	15' min.			
Multi-Plex Small/ Garden Apartment	200' min.	100' min.	1 acre	10 dwelling units per acre				30' min.	25' min.	15' min.			
Live/Work	100' min.	100' min.	1 acre	10 dwelling units per acre				30' min.	25' min.	15' min.			

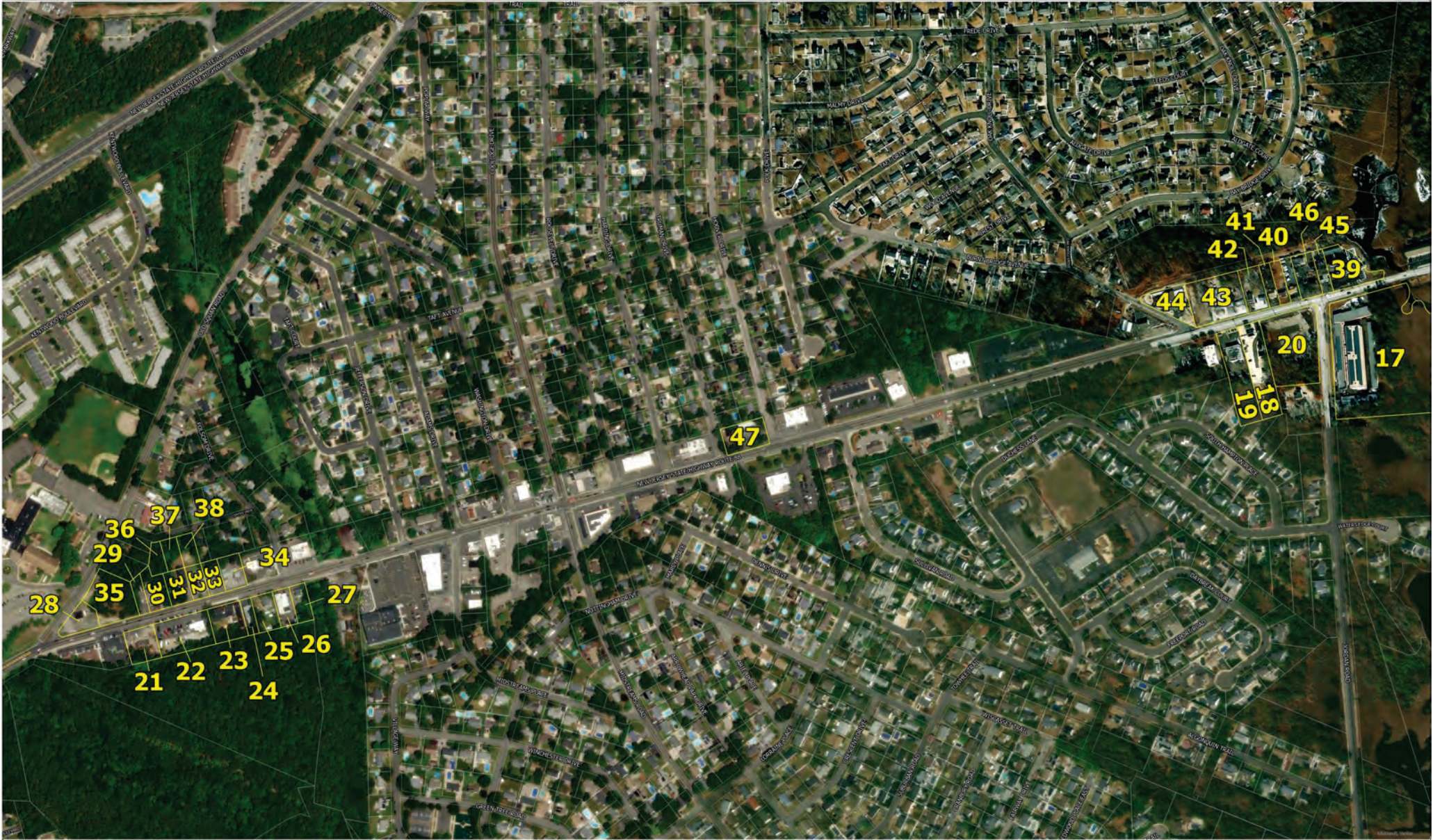
- A. More than one principal structure is permitted on one lot when developing Cottage Court/Townhouse/Rowhouse/Stacked Flats, Garden Apartments, Multi-plex and Live/Work buildings.
- B. More than one type of structure is permitted on one lot.
- C. One Accessory Dwelling is permitted on each lot when developing Detached Compact Houses.
- D. Parking and parking lot design: Comply with Chapter 245 Pt. 2 Article XXXV Parking, Loading and Vehicular Access in addition to the parking requirements above.
- E. 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.
- F. Signage: Comply with Chapter 245 Pt.2 Article XXXVI Signs for underlying zone.
- G. All other Site Plan and Subdivision standards are applicable.

LOCATION	ACREAGE	ZONING	NOTES	SECTION	10 du/ac	Zone Designation
2004 ROUTE 88	0.1179	B-2	DAYCARE	ROUTE 88	1.179	Middle Housing Overlay Zone - Assemblage (MHOZ-A)
1833 ROUTE 88	0.1412	B-2	RESIDENCE	ROUTE 88	1.412	
11 POST RD.	0.155	B-2	RESIDENCE	ROUTE 88	1.55	
9 POST RD.	0.1584	B-2	RESIDENCE	ROUTE 88	1.584	
2023 ROUTE 88	0.1814	B-2	OFFICE	ROUTE 88	1.814	
1831 ROUTE 88	0.1986	B-2	OFFICE	ROUTE 88	1.986	
217 CENTER DRIVE	0.2107	B-2	RESIDENCE	ROUTE 88	2.107	
2220 ROUTE 88	0.2296	B-2	RESIDENCE	ROUTE 88	2.296	
2218 ROUTE 88	0.2296	B-2	RESIDENCE	ROUTE 88	2.296	
2228 ROUTE 88	0.2296	B-2	RESIDENCE	ROUTE 88	2.296	
1990 ROUTE 88	0.2355	B-2	GARAGE	ROUTE 88	2.355	
215 CENTER DRIVE	0.2436	B-2	RESIDENCE	ROUTE 88	2.436	
213 CENTER DRIVE	0.2436	B-2	RESIDENCE	ROUTE 88	2.436	
46 PRINCETON AVE.	0.2537	B-2	STRIP MALL	ROUTE 88	2.537	
2020 ROUTE 88	0.258	B-2	RESIDENCE	ROUTE 88	2.58	
2016 ROUTE 88	0.2583	B-2	OFFICE	ROUTE 88	2.583	
821 MANTOLOKING RD.	0.263	VZ	OFFICE / APARTMENTS	MANTOLOKING RD	2.63	
2029 ROUTE 88	0.2738	B-2	AUTO PARTS STORE	ROUTE 88	2.738	
2031 ROUTE 88	0.2738	B-2	OFFICE	ROUTE 88	2.738	
ROUTE 88	0.3099	B-2	DAYCARE	ROUTE 88	3.099	
7 POST RD.	0.3214	B-2	RESIDENCE	ROUTE 88	3.214	
2022 & 2024 ROUTE 88	0.3444	B-2	DENTIST OFFICE	ROUTE 88	3.444	
2027 ROUTE 88	0.365	B-2	BUILDING	ROUTE 88	3.65	
1861 ROUTE 88	0.4423	B-2	VACANT	ROUTE 88	4.423	
2214 ROUTE 88	0.4591	B-2	RESIDENCE	ROUTE 88	4.591	
2224 ROUTE 88	0.4591	B-2	RESIDENCE	ROUTE 88	4.591	
825 MANTOLOKING RD.	0.527	VZ	LENAPE MOTEL	MANTOLOKING RD	5.27	
2003 ROUTE 88	0.5313	B-2	LANDSCAPER	ROUTE 88	5.313	
2019 ROUTE 88	0.5441	B-2	OFFICE	ROUTE 88	5.441	

2116 ROUTE 88	0.5739	B-2	GASLITE MOTEL	ROUTE 88	5.739
2000 ROUTE 88	0.6659	B-2	VACANT WOODED	ROUTE 88	6.659
2005 ROUTE 88	0.8953	B-2	USED CAR DEALER	ROUTE 88	8.953
2236 ROUTE 88	0.9183	B-2	88 MOTEL	ROUTE 88	9.183
2217 ROUTE 88	1	B-2	COTTAGES	ROUTE 88	10
2213 ROUTE 88	1	B-2	DIM SUM	ROUTE 88	10
1867 ROUTE 88	1.02	B-2	VACANT WOODED	ROUTE 88	10.2
2014 ROUTE 88	1.06	B-2	COMMERCIAL BUILDING	ROUTE 88	10.6
1837 ROUTE 88	1.07	B-2	RESIDENCE	ROUTE 88	10.7
2200 ROUTE 88	1.14	B-2	RESIDTIAL / COMMERCIAL	ROUTE 88	11.4
2210 ROUTE 88	1.1478	B-2	SURFSIDE EFFICIENCIES	ROUTE 88	11.478
1855 ROUTE 88	1.27	B-2	GHOST GAS STATION	ROUTE 88	12.7
189 MANTOLOKING RD.	1.3	VZ	HOTEL,	MANTOLOKING RD	13
1845 ROUTE 88	1.35	B-2	OFFICE	ROUTE 88	13.5
1823 ROUTE 88	1.8382	B-2	DAYCARE	ROUTE 88	18.382
2225 ROUTE 88	1.8382	B-2	VACANT	ROUTE 88	18.382
1811 RT 88	2	B-3	SPLIT 11/162020	ROUTE 88	20
531 MANTOLOKING RD	2.08	VZ	PINE REST LODGE MOTEL	MANTOLOKING RD	20.8
201 JORDAN RD.	6.75	R-R-1	STORAGE UNITS	ROUTE 88	67.5
TOTAL: 37.3765				Units	373.765

Middle Housing Overlay Zone - Inclusionary (MHOZ-I)	
TOTAL	

75 AHU



Township of Brick
Ocean County, New Jersey

Affordable Housing & Fair Share Plan

MHOZ LOTS
ROUTE 88 CORRIDOR



Affordable Housing & Fair Share Plan



Township of Brick
Ocean County, New Jersey

MHOZ LOTS
MANTOLOKING ROAD



APPENDIX B

SPENDING PLAN

Township of Brick
County of Ocean
New Jersey

Affordable Housing Trust Fund Spending Plan

February 25, 2026

Prepared By:
Tara B. Paxton, MPA, PP, AICP



INTRODUCTION

The Township of Brick in Ocean County has prepared a Fourth Round Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.). A Development Fee Ordinance creating a dedicated revenue source for affordable housing was adopted by the Township in 1994 and was last amended in April of 2005 (Ordinance No.354-2E-05) and regulated under the Township's Land Use Code Section 245-68. The Development Fee Ordinance establishes the standards for the collection, maintenance, and expenditure of development fees consistent with applicable COAH rules and P.L.2008, c.46 (C.52:27D-329.1 et al.).

Pursuant to the Development Fee Ordinance, the Township will continue to deposit all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees into its Affordable Housing Trust Fund. These funds shall be spent in accordance with N.J.A.C. 5:99 or applicable regulations as described in the sections that follow.

I. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of the Fourth Round, the Township of Brick considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of issuance of permits, preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Any actual and committed payments in lieu (PIL) of construction from developers.

(c) Other funding sources:

Funds from other sources, including, but not limited to, grant funding or loans, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal Affordable Housing Trust Fund at the current average interest rate.

Projected Revenue

Projected Revenues - Affordable Housing Trust Fund 2025 through 2035												
SOURCE OF FUNDS	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035 (Half Year)	TOTAL
Historical Balance (as of 1/29/2026) as per AHMS	\$2,536,511											\$2,536,511
Projected Development Fees		\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$300,000	\$5,700,000
Interest		\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$2,000	\$38,000
Total												\$8,274,511

To calculate the projection of revenue anticipated from the development fees, 8 years (2018 through 2025) of affordable housing fee trust fund data for the Township, acquired from the New Jersey Department of Community Affairs, was examined. From this analysis, the estimated annual collection amounted to approximately \$600,588.

As of January 29, 2026, the balance of the Township’s Affordable Housing Trust Fund is \$2,536,511. The Township projects a total of \$5,700,000 will be collected between June 1, 2025 and June 30, 2035. An additional \$38,000.00 in interest is projected to be earned. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing. The Township therefore projects total Trust Fund revenues and interest of \$8,274,511 through June 30, 2035.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Brick:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township's development fee ordinance for both residential (1.5% of improvement value of new construction) and non-residential developments (2.5% of improvement value of new construction) at §245-68.

(b) Distribution of development fee revenues:

The Administrative Agent and the Municipal Housing Liaison will manage the projects outlined in this Spending Plan and the Housing Element and Fair Share Plan. The Township of Brick distributes affordable housing development fees through contract execution. The Township contracts with an affordable housing administrative consultant through the NJ Public Contracts Law. The Township also distributes payments to planning consultants and affordable housing attorneys through contractual payments. The Township utilizes a portion of the trust funds to pay salaries of employees who work on affordable housing related tasks. For development projects, rental assistance and other affordable housing related activities, the Township issues payment after governing body authorizations via resolutions and ordinances.

(c) Collection and distribution of barrier free funds:

Collection and distribution of barrier free funds shall be consistent with the Township's Affordable Housing Ordinance (Chapter 245 of the Township's General Code) and in accordance with applicable regulations. A process describing the collection and distribution procedures for barrier free escrow is detailed within the Township's Affordable Housing Ordinance.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The following represents the anticipated affordable housing projects within the Township of Brick that will utilize Trust Fund monies.

Affordability Assistance (N.J.A.C. 5:99-2.5)

Affordability Assistance (<u>N.J.A.C. 5:99-2.5</u>)		
Development Fees and Interest earned through 1/29/2026 (balance of Trust Fund)		\$2,536,511
Projected Collection 2025-2035	+	\$5,700,000
Projected Trust Fund Interest 2025-2035	+	\$38,000
Total	=	\$8,274,511
30% maximum	x 0.30 =	
PROJECTED MINIMUM Affordability Assistance Requirement 6/1/2025 through 12/31/2035	=	\$2,482,353
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 6/1/2025 through 12/31/2035	÷ 3 =	\$827,451

As per the requirements regarding the use of funds for affordability assistance laid out in N.J.A.C. 5:99-2.5, the Township is required to dedicate at least 30 percent of all development fees collected and interest earned to provide affordability assistance to low- and moderate-income households.

In addition, at least one-third of the affordability assistance shall be used to provide affordability assistance to very-low income households. The Township, therefore, will dedicate at least \$2,482,353 from the Affordable Housing Trust Fund to render units more affordable, including \$827,451 to render units more affordable to households earning 30 percent or less of median income by region by converting low income units to very-low income units. Additionally, the Township utilizes the remaining funding for Housing Activities as follows:

- **Rehabilitation and New Construction** programs and projects for **Inclusionary or 100% Affordable** Projects
- For-sale units in the form of **Down-payment Assistance**, homeowner assistance loans for Condominium or Homeowner Association fees, and homeowner assistance loans for mortgage payments up to two months or less in arrears to forestall foreclosure.
- For-rent units in the form of **Security deposit assistance** and **Rental Assistance**, which are enhanced for very low-income households.
- Assistance to owners/operators of deed restricted controlled units for **Maintenance and Repairs** to keep the units in good condition
- Use of funds for the **Extension of Expiring Controls** to keep controlled, deed restricted For-sale and For-rent units as affordable and **Purchase of New Deed** restrictions of market rate units to convert these units to affordable

• It should be noted that the Township of Brick administers its **Housing Rehabilitation**

Program for both single-family and multi-family programs through its Community Development Block Grant Housing Rehabilitation Program. Grant funds are utilized directly from the Housing and Urban Development program that is Federally funded as the Township of Brick is an Entitlement Community. These funds are not run through the Affordable Housing Program. An estimated \$100,000 is committed annually to meet the program needs.

Administrative Expenses (N.J.A.C. 5:99-2.4)

Administrative Expenses		
Development Fees and Interest earned through 1/29/26 (historical balance)		\$2,536,511.15
Projected Collection 2025-2035	+	\$5,700,000
Projected Trust Fund Interest 2025-2035	+	\$38,000
Total	=	\$8,274,511
20 percent cap	x 0.20 =	
Projected Maximum Administrative Expenses 6/1/2025 through 12/31/2035	=	\$1,654,902

No more than 20% of revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop and implement: a rehabilitation program; a new construction program; a housing element; and an affirmative marketing program. Administrative funds may be used for: income qualification of households; monitoring the turnover of sale and rental units; and compliance with monitoring requirements.

Moving forward, the Township projects that \$1,654,902 will be available from the Affordable Housing Trust Fund to be used for administrative purposes, including but not limited to:

- Administration and expenses associated with the Township’s affordable housing units;
- Expenses associated with the preparation and implementation of the Housing and Fair Share Plan and monitoring of the current and future housing programs for the Township of Brick.

4. EXPENDITURE SCHEDULE

Project Expenditure Schedule 2025-2035												
Program	2025 (Half Year)	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035 (Half Year)	Total
Affordability Assistance	\$124,117	\$248,235	\$248,235	\$248,235	\$248,235	\$248,235	\$248,235	\$248,235	\$248,235	\$248,235	\$124,117	\$2,482,353
Admin. Expenses	\$82,745	\$165,490	\$165,490	\$165,490	\$165,490	\$165,490	\$165,490	\$165,490	\$165,490	\$165,490	\$82,745	\$1,654,902
Housing Activity	\$206,862	\$413,725	\$413,725	\$413,725	\$413,725	\$413,725	\$413,725	\$413,725	\$413,725	\$413,725	\$206,862	\$4,137,256
Total	\$413,725	\$827,451	\$827,451	\$827,451	\$827,451	\$827,451	\$827,451	\$827,451	\$827,451	\$827,451	\$413,725	\$8,274,511

SUMMARY

The Township of Brick intends to spend Affordable Housing Trust Fund revenues in accordance with N.J.A.C. 5:93. Pursuant to the Housing Element and Fair Share Plan, the governing body of the Township of Brick will adopt a resolution agreeing to fund any shortfall of funds required for implementing the Affordable Housing Program. In the event that a shortfall of anticipated revenues occurs, the Township of Brick will provide necessary funds to cover the shortfall.

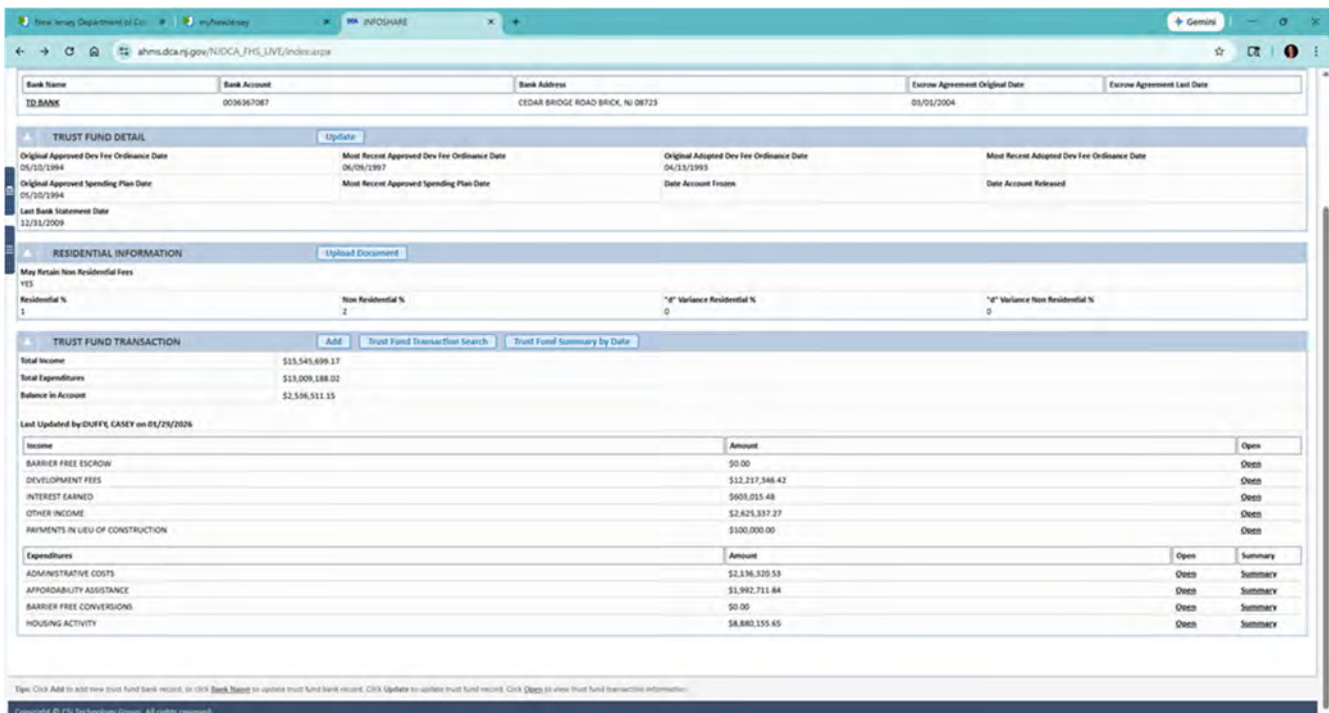
In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to supplement additional projects as they become available.

As of January 29, 2026, the Township’s Trust Fund has a balance of \$2,536,511. Brick anticipates an additional **\$5,738,000** in revenues and interest by June 30, 2035. The Township will dedicate **\$2,482,353** to render units more affordable, **\$4,137,256** towards Housing Activities and **\$1,654,902** to administrative costs.

** In the Third Round Plan, the Township approved the utilization of \$600,000 in the spending plan towards the completion of the Veteran’s Preference Multi-Family Housing development at 1707 Rt. 88, Block 842, Lot 14 for 8 multi-family apartment units. This will be appropriated from the Affordable Housing Trust Fund during the 4th Round Compliance Period.**

SPENDING PLAN SUMMARY	
Balance as of January 29th, 2026	\$ 2,536,511
Projected REVENUE June 2025 to December 31, 2035	
Development fees	+ \$5,700,000
Payments in lieu of construction (not anticipated)	+ \$0
Other funds (not anticipated)	+ \$0
Interest	+ \$38,000
TOTAL REVENUE + CURRENT BALANCE	= \$8,274,511
EXPENDITURES	
Affordability Assistance	- \$2,482,353
Administration	- \$1,654,902
Housing Activities	- \$4,137,256
TOTAL PROJECTED EXPENDITURES	= \$8,274,511
REMAINING BALANCE/EXPECTED SHORTFALL	= \$0

Below is a screenshot from the NJ Department of Community Affairs Affordable Housing Trust Fund Monitoring site. The Township will continue to comply with reporting requirements as required. Staff are assigned to input income and expenditure data and continually monitor compliance.



SPENDING PLAN AFFORDABILITY ASSISTANCE

FOR-SALE UNIT AFFORDABILITY ASSISTANCE

AND RENTAL UNITS AFFORDABILITY ASSISTANCE PROGRAM

TOWNSHIP OF BRICK

**FOR-SALE UNIT AFFORDABILITY ASSISTANCE
PROGRAM AND RENTAL UNIT AFFORDABILITY
ASSISTANCE PROGRAM**

FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM

Down Payment Loan Program

The Township will offer a Down Payment Assistance Loan program to qualified purchasers of households earning 80% or less of median income of the housing region. To be eligible for the loan, the qualified Buyer must be able to supply 3% of the down payment with the Buyer's own funds, plus additional closing costs that exceed the amount of the loan. No gifts or other loans may be used to fund the 3% down payment amount but may be used to fund additional closing costs. The loan amount may be made up to ten percent (10%) of the purchase price.

The Township must approve the Buyer's qualifications and need for the loan. The loan has no prepayment penalty. It is due and payable when the Buyer resells, borrows against the property or refinances the First Purchase Money Mortgage. The loan may be subordinated only to the First Purchase Money Mortgage. When calculating the borrowing capacity of the homeowner and the equity in the property, this loan must be included. The Buyer must sign a mortgage and mortgage note to the Township.

Payment of Closing Costs

Eligible Buyers may receive payment of closing costs, i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowner's insurance, recording fees, and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit. Utility deposits, i.e., gas and electric, paid to utility companies are to be returned to the Township Affordable Housing Trust Fund upon resale of the unit. The buyer will execute documents required to secure payment to Brick.

Payment of Lender Fees

Eligible Buyers may receive payment of lender fees, i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3000) per unit.

Administration

Township of Brick' Affordability Assistance Programs will be managed by the Township Affordable Housing Administrative Agent. The availability of the program shall be advertised continually on the Township's website. The following administrative process is applied to the For-Sale Unit Affordability Assistance Program:

1. The Buyer contacts the Administrative Agent to confirm that he/she wants to receive Down Payment Assistance.
2. The Buyer must present proof to the Administrative Agent that he/she is qualified for Affordable Housing in the Township.
3. Buyer must produce an exact copy of a signed Real Estate Contract for an affordable housing unit in Brick, which indicates clearly the full amount of the purchase price. Buyer must provide the Administrative Agent with the full name, address, phone number, and fax number of the Buyer's Attorney or Settlement Agent so that the Attorney or Settlement Agent can review and approve any and all documents required for the loan.
4. The Administrative Agent contacts the Realtor or Developer for confirmation of the sale of the unit, and the name of the Attorney handling the sale for the Developer at closing.
5. The amount of the Down Payment Assistance loan is verified (not to exceed ten percent of the Purchase Price) so that a Mortgage Note, Mortgage, and Repayment Agreement can be prepared by the Administrative Agent.
6. The amount of the Down Payment Assistance must be disclosed to the Lender, so that the Lender can accurately prepare the First Mortgage documents. The Buyer must give a copy of the First Mortgage Commitment to the Administrative Agent upon receipt of same, so that the Lender can receive full information about the Down Payment Assistance Loan, which shall constitute a Second Mortgage on the premises. The Lender must approve the secondary financing. The Township Affordable Housing Attorney will contact the Lender once the Affordable Housing Attorney has a copy of the First Mortgage Commitment.
7. The Brick Finance Department will generate the necessary forms and obtain Township Council approval for it to issue an Affordable Housing Trust Fund check payable to the Seller's Attorney or Settlement Agent, so that the Down Payment Assistance check can be deposited into the Seller's Attorney Trust Account or Settlement Agent Trust Account pending Closing of Title. The letter and check to the Seller's Attorney or Settlement Agent shall state that the deposit money must be returned to the Township if the closing is

canceled, or if the sale is declared null and void. If there is a Closing of Title, the Down Payment Assistance money shall be released to the Seller. This money shall be shown on the Closing Statement as a deposit, with credit given at closing to the Buyer. The Buyer must fully execute the Mortgage Note, Mortgage, and Repayment Agreement at the Closing of Title before any money is released.

8. The Seller's Attorney or Settlement Agent shall verify that the Mortgage Note, Mortgage, and Repayment Agreement have been properly executed, and shall file the original Mortgage with the County Clerk to protect the Township Second Mortgage on the property and return the Filed Mortgage to Affordable Housing Attorney along with the original Mortgage Note and Repayment Agreement.

RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

Rental Assistance

The Township of Brick may offer a Rental Assistance Program that will be managed by the Administrative Agent. Eligible recipients of the program are renters who qualify for a very-low, low- or moderate-income rental unit. The following assistance is available to very-low, low- and moderate-income households:

1. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed five hundred dollars (\$500.) per family.
2. Rent subsidy for the first month's rent.
3. Utility deposit assistance.

The following assistance is available to very low-income households:

1. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed one thousand five hundred dollars (\$1,500.) per household.
2. Rental security deposit – Deposits paid to landlord to be returned to the Township's Affordable Housing Trust Fund upon termination of tenancy.
3. Rent subsidy for the first month's rent.
4. Utility deposit assistance.

Rental assistance does not need to be repaid by the tenant. The amount of the rental supplement will be calculated initially based on the tenant's actual income and the rent level of the affordable units to help bring the total shelter costs down to 30% of the total household income or lower, if warranted by the particular household circumstances. If the tenant wishes to renew the lease, he/she must be re-income qualified and the rental supplement will be recalculated. If the tenant no longer qualifies for the rental assistance, he/she may renew the lease and stay in the unit but will no longer receive rental assistance.

Administration

Brick Township's Rental Unit Affordability Assistance Programs will be administered by the Administrative Agent. The availability of the program shall be advertised continually on the Township's website. After an applicant is income qualified by the Administrative Agent pursuant to the Uniform Housing Affordability Controls, the applicant will complete and provide an affordability assistance application to the Administrative Agent.

For qualified and approved payment of moving expense, the Administrative Agent will follow the Township purchasing and requisition process for generating a check that is made out to the applicant. Once the check is produced, the Administrative Agent provides it to the applicant.

For qualified and approved payment of utility deposit, the Administrative Agent follows the Township purchasing and requisition process for generating a check that is made out to the utility company. Once the check is produced, the Administrative Agent provides it to the applicant for payment to the utility company.

The affordability assistance recipient will sign a contract with the Township of Brick that states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information if required.

The availability of any Affordability Assistance Programs must be noticed to all tenants of affordable units within the Township and provided to all administrative agents of affordable units within Brick Township and advertised on the Township's website.

An income eligible occupant or applicant for an affordable unit within the Township may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.



APPENDIX C

COURT DOCUMENTS