

**MAY 2025**

**PRIOR ROUND, THIRD ROUND & FOURTH ROUND**

**HOUSING ELEMENT AND FAIR SHARE PLAN**

**BOROUGH OF SEASIDE PARK | OCEAN COUNTY, NEW JERSEY**



**MAY 2025**

**PRIOR ROUND, THIRD ROUND & FOURTH ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN**

ADOPTED BY THE PLANNING BOARD: MAY 19, 2025

ENDORSED BY THE MAYOR & COUNCIL:

PREPARED BY:

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## **INTRODUCTION & EXECUTIVE SUMMARY**

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I”, New Jersey municipalities have had a constitutional obligation to provide opportunities for the creation of low and moderate income housing units. This 1975 decision led to a body of case law, legislative changes, and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel doctrine”. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation to have “satisfied” their constitutional obligation, commonly referred to as their affordable housing obligation. The purpose of this Prior Round, Third Round and Fourth Round Housing Element and Fair Share Plan is to present how Seaside Park Borough will address its affordable housing obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for very-low-, low-, and moderate-income households for a minimum of 30 years and for Fourth Round rental units, 40 years, and it is typically enforced by a deed restriction. Each affordable unit is eligible for one “credit” against the obligation and certain units are eligible for “bonus credits”, which provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very-low-, low- and moderate-income units – and diversity in the size of affordable units – meaning one-, two- and three-bedroom units.

Participation in this process is voluntary, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily. However, our laws heavily incentivize voluntary compliance. Municipalities that do not voluntarily comply may be vulnerable to “builder’s remedy” litigation. A builder’s remedy is a litigation tool to compel the municipality to include a builder’s site in the Fair Share plan. However, to secure such a remedy, the developer must “succeed in litigation”, provide a “substantial” affordable housing set-aside and the developer’s “proposed project” must not clearly violate “sound land use planning”. The Supreme Court’s desire to ensure that developers who provide affordable housing do so in accordance with sound planning, which is a pillar of the Mount Laurel doctrine.

### **The Housing Element and Fair Share Plan**

In accordance with the Fair Housing Act (as amended) this Housing Element and Fair Share Plan includes the following:

- a. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality’s housing stock, including the probable future

construction of low and moderate income housing for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;

- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age; and
- d. An analysis of the existing and probable future employment characteristics of the municipality.
- e. A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- f. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to providing low and moderate income housing.
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)
- h. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Items a through d are included as an appendix item and items e through h are included in the body of this Fair Share Plan.

## **AFFORDABILITY REQUIREMENTS**

Affordable housing is defined under New Jersey's FHA as a dwelling, either for sale or rent, which is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Seaside Park Borough is in Region 4, which includes Mercer, Monmouth, and Ocean counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. Very-low-income households are a subset of "low-income" households and are defined as those with incomes 30% or less than the regional median income.

Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3, et seq., requires that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable to households with incomes no greater than 52% of

the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income uses the federal income limits established by Department of Housing and Urban Development (hereinafter “HUD”) on an annual basis. In the spring of each year, HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. Said income limits post Mount Laurel IV are now set by Court Order.

To update income limits, the Borough will rely on the Order entered for all of Monmouth County on April 18, 2019, by the Monmouth County Superior Court, which establishes the criteria to follow annually update income limits.

Income limits for all units that are part of the Borough’s Housing Element and Fair Share Plan, excluding those which income limits are already established through a federal program, shall be updated by the Borough as HUD publishes median incomes and income limits as follows:

- Regional income limits shall be established for the region that the Borough is located within (i.e., Region 4) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four (4) is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough’s housing region. This quotient represents the regional weighted average of median income for a household of four (4).
- The income limit for a moderate-income unit for a household of four (4) shall be 80% of the regional weighted average median income for a family of four (4). The income limit for a low-income unit for a household of four (4) shall be 50% of the HUD determination of the regional weighted average median income for a family of four (4). The income limit for a very low-income unit for a household of four (4) shall be 30% of the regional weighted average median income for a family of four (4). These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- The Regional Asset Limit used in determining an applicant’s eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to the methodology outlined above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

For 2024, the Affordable Housing Professionals of New Jersey (“AHPNJ”) and Fair Share Housing Center (FSHC) have jointly developed updated income limits for all housing regions in New Jersey, which were calculated using the methodology outlined above. As approved by the Court, these income limits for Region 4 will be utilized for Seaside Park. See Table 1 for 2024 income limits for Region 4.

Table 1: 2024 Income Limits for Region 4					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Moderate	\$72,830	\$83,234	\$93,639	\$104,043	\$112,367
Low	\$45,519	\$52,022	\$58,524	\$65,027	\$70,229
Very Low	\$27,311	\$31,213	\$35,115	\$39,016	\$42,137
Source: 2024 Income Limits prepared by Affordable Housing Professionals of New Jersey.					

The following tables provide illustrative sale prices and gross rents for 2024. The sample rents and sale prices are illustrative and are gross figures, which do not account for the specified utility allowances for rental units or for specific mortgage rates, taxes, etc. for sales units.

Table 2: Illustrative 2024 Affordable Gross Rents for Region 4			
Household Income Levels (% of Median Income)	1-Bedroom Unit Rent	2-Bedroom Unit Rent	3-Bedroom Unit Rent
Moderate	\$2,060	\$2,475	\$2,850
Low	\$1,280	\$1,545	\$1,785
Very Low	\$770	\$925	\$1,071
Source: 2024 Affordable Housing Pricing Calculator: Affordable Housing Calculator prepared by Affordable Housing Professionals of New Jersey.			

Table 3: Illustrative 2024 Affordable Sales Prices for Region 4			
Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate	\$190,029	\$229,913	\$267,137
Low	\$133,053	\$161,541	\$188,130
Very Low	\$118,909	\$144,448	\$168,378
<i>Source: 2024 Affordable Housing Pricing Calculator: Affordable Housing Pricing Calculator prepared by Affordable Housing Professionals of New Jersey.</i>			

## **PRESENT AND PROSPECTIVE NEED OBLIGATIONS**

The fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). The new construction component consists of the Prior Round obligation (calculated by the Council on Affordable Housing – “COAH”), the Third Round obligation (calculated in response to a Mercer County Superior Court decision) and the Fourth Round obligation (calculated by the DCA). Pursuant to the Amended Fair Housing Act (FHA), the NJ State Department of Community Affairs (DCA) was required to calculate the Fourth Round rehabilitation (present need) and prospective need obligations for municipalities within the State. The amended FHA entitled municipalities to adjust the obligation if the information used in the DCA calculation was outdated or in error. After the review of the DCA methodology for the Fourth Round present and prospective need obligations, the Borough determined that the DCA calculation was correct and adopted the DCA calculations for present and prospective need for the Fourth Round.

With this overview , the Borough’s obligations can be summarized as follows:

### **Rehabilitation Obligation: 0 units**

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units occupied by low- and moderate-income households.

### **Prior Round Obligation (Rounds 1 and 2): 52 units**

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation.

### **Third Round Obligation: 87 units**

The Third Round obligation can be defined as the cumulative 1999 through 2025 new construction affordable housing obligation. This includes the “gap present need” from 1999 through 2015 and the “prospective need” from 2015 through June 30, 2025, according to a trial court opinion

authored by Judge Jacobson and referenced in the Amended FHA . See In the *Matter of the Application of Princeton et al Docket No L-1550-15*.

Fourth Round Obligation: 18 units

The Fourth Round obligation can be defined as the cumulative July 1, 2025, through June 30, 2035, new construction affordable housing obligation. The October 18, 2024 DCA Report identified the Borough's Fourth Round prospective need obligation as 18.

## **Vacant Land and Realistic Development Potential Analysis**

If there is a lack of sufficient land to meet the new construction obligation, a municipality is entitled to rely on COAH regulations to adjust the new construction obligation downward pursuant to N.J.S.A 52:27D-311 (m). The adjusted number is known as the realistic development potential (RDP). The RDP represents the portion of the new construction affordable housing obligation that can theoretically be addressed with inclusionary development (defined as a mix of market and affordable units) on lots identified as being suitable in the Vacant Land Analysis ("VLA"). The portion of the new construction obligation for which there is insufficient land is known as the "unmet need". The unmet need is calculated as the difference between the total obligation and the RDP.

The Borough undertook a current vacant land analysis which supports an RDP of zero (0) units. Much of the Borough is located with the 100-year floodplain and there are no vacant parcels large enough to support five (5) or more units in accordance with the vacant land rules in the Borough that are not constrained by the flood hazard area.

## **Unmet Need Determination**

The Borough's vacant land adjustment resulted in a combined Prior Round, Third Round and Fourth Round RDP and unmet need as follows:

- RDP:0
- Unmet Need: 157

Since different standards apply to the Fourth Round Unmet Need obligation than to obligations for prior rounds, this plan will discuss those standards when discussing how to satisfy them below.

## **HOUSING ELEMENT AND FAIR SHARE PLAN**

This Prior Round, Third Round and Fourth Round Housing Element and Fair Share Plan has been prepared to address the Borough's obligation and comply with the amended Fair Housing Act.

### **Consideration of Affordable Housing Options**

As part of this HEFSP, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. Although the Borough has limited available and developable land, the Borough successfully satisfied its affordable housing obligation using the vacant land adjustment process and a variety of zoning mechanisms that will create low- and moderate-income housing.

While the Borough recognizes that developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional mechanisms or sites are not needed to satisfy the obligation at this time.

### **The Third Round Compliance Process**

On March 10, 2015, the New Jersey Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities could no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities had to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Adjudicator to the Court, review municipal plans in accordance with the established COAH regulations.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, it ordered the trial courts to determine the obligation. However, the New Jersey Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld, as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing elements and fair share plans. This plan is prepared in response to and in compliance with the March 10, 2015, New Jersey Supreme Court decision.

## **The Fourth Round Compliance Process**

On March 20, 2024, Governor Murphy signed an amendment to the Fair Housing Act into law (“Amended FHA”) that created new procedures and laws. Pursuant to the Amended FHA, by January 31, 2025, municipalities adopted a “binding resolution”; and filed a declaratory relief lawsuit with the Court and “the Program”. In addition, the municipality must file a Housing Element and Fair Share Plan with the Court and Program by June 30, 2025, and comply with a series of other requirements.

The Borough took the first step required by the Amended FHA by adopting the binding resolution and filing the declaratory relief action to establish the Fourth Round obligation. The Borough and the Planning Board will continue to comply with applicable law.

## **Satisfaction of the Affordable Housing Obligation**

The Borough is addressing its affordable housing obligation through a variety of mechanisms to address the unmet need obligation.

## **Addressing Third Round Unmet Need**

The RDP of zero (0) is subtracted from the Prior and Third Round Obligation of 139 units, resulting in an Unmet Need of 139 units. The Borough is utilizing a proposed Mandatory Setaside Ordinance and an Affordable Housing Ordinance (including a development fee ordinance) to address the Prior and Third Round Unmet Need Obligation.

### ***Mandatory Set-aside Ordinance***

The Borough will adopt a mandatory set-aside ordinance that requires, where via use variance, rezoning, or redevelopment, the Borough permits multi-family residential housing with 5 units or greater at a density greater than otherwise permitted compared to the existing zoning permitted, than an affordable housing set-aside will be imposed on the development. All affordable units shall be restricted, regulated and administered consistent with the Borough’s affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing. Addressing the Fourth Round Obligation.

## **Addressing Fourth Round Unmet Need**

### ***Unmet Need: 5 (25% of 18 units)***

Due to limited vacant and developable land that is within the Borough’s land use jurisdiction, the Borough qualifies for a vacant land adjustment. The Borough performed a vacant land analysis and because the Realistic Development Potential associated with the qualifying vacant parcels is addressed in the Third

Round Fair Share Plan, the Fourth Round RDP shall be zero (0). The remaining obligation is known as the Fourth Round Unmet Need.

The Amended FHA requires a municipality that receives an adjustment of the prospective need to identify sufficient parcels that are likely to redevelop during the Fourth Round to address 25 percent of the adjusted prospective need (unmet need) with realistic or meaningful zoning. In compliance with the FHA, the Borough will provide realistic or meaningful zoning to address a minimum of 5 units of unmet need ( $18 \times 0.25 = 5$ ).

#### ***North Ocean Avenue Overlay District (proposed)***

The Borough proposes to adopt an overlay district for the parcels that are located in Block 91 along North Ocean Avenue between Farragut Avenue and Porter Avenue for multi-family housing with a density of 20 dwelling units per acre. The North Ocean Avenue Overlay District is approximately 1.3 acres in size. An overlay zone is a zoning option that allows an applicant to develop at higher densities for residential development provided they set aside at least 20% of the units as affordable housing available to low-and moderate-income households. This type of zoning is known as inclusionary zoning. The proposed ordinance amendment is included in the appendix and represents a meaningful zoning option for future affordable housing opportunities.

In addition, during the second half of the Fourth Round, if there are adequate funds in the Affordable Housing Trust Fund, the Borough will work with a non-profit developer to build 100% affordable housing for-sale or rental single-family home(s) within the residential districts as lots become available.

### **PRESERVATION OF MULTIGENERATIONAL FAMILY CONTINUITY**

The 2024 FHA requires an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Borough's ordinance indicates that there are no ordinances that would specifically create a detraction from meeting the Commission's goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Borough defines a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential and business zoning districts. The Seaside Park ordinances advance the multigenerational family continuity goal.

## **STATE DEVELOPMENT AND REDEVELOPMENT PLAN CONSISTENCY**

This Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) as the proposed projects and zoning mechanisms will provide a meaningful opportunity for the construction of affordable housing. Seaside Park is designated as PA5B, Environmentally Sensitive Barrier Island area. The proposed overlay zoning district is situated over an existing disturbed site. The location of the overlay zoning district with higher residential density development permitted on lots that have been disturbed with existing impervious coverage is consistent with the overall goals and objectives of the State Development and Redevelopment Plan goal to direct redevelopment and growth into areas where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.

## **AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING**

Seaside Park Borough will adopt an Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC. The Affordable Housing Ordinance governs the establishment of affordable units in the Borough as well as regulating the occupancy of such units. The Borough's Affordable Housing Ordinance will cover the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The Borough will establish the position of the Municipal Housing Liaison and will appoint a staff member to the position. The Borough will rely on an Affordable Housing Administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Borough will permit developers who demonstrate the appropriate experience and expertise to administer their own units as both are experienced affordable housing administrators. The affirmative marketing plans are 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 the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region, Region 4, consisting of Monmouth, Mercer and Ocean counties.

The affirmative marketing plans will include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

## **AFFORDABLE HOUSING TRUST FUND**

A development fee ordinance will be adopted to create a dedicated revenue source for affordable housing.

The future Spending Plan will cover anticipated revenues, collection of revenues, and the use of revenues, which will be prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Borough's Affordable Housing Trust fund and may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

## **COST GENERATION**

The Borough's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards. The Borough will adopt, if needed, Planning Board rules for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the

mandate of the FHA regarding unnecessary cost generating features. Seaside Park Borough shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.

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## DEMOGRAPHIC ANALYSIS

Seaside Park's population grew during the second half of the twentieth century, more than tripling (Table 1). Growth was particularly brisk during the middle of the century, with the fastest growth coming during the 1940s, when the population climbed from 653 to 987 residents, a rise of 51.1%. The population also increased by a brisk amount in the 1960s, jumping an additional 35.9%. The number of residents rose steadily through the remainder of the century, adding another 831 residents between 1970 and 2000 on net. The era of population growth came to an abrupt halt in the 2000s, when the population plunged by 684 residents, a decline of 30.2%. The population fell by another 9.2% in the 2010s, dropping to 1,436 residents overall. Even as the community's population grew during the twentieth century, population growth still lagged that of Ocean County overall. The municipality's popularity among seasonal visitors limits the real estate available for homes for full-year residents, reducing the potential for growth. Significant development occurred prior to 1940, limiting future development opportunities in a borough with a finite supply of land.

It is important to note that, while the total population data in Table 1 is drawn from the Decennial U.S. Census survey, all subsequent Census Bureau data was obtained from the 2019-2023 American Community Survey (ACS), a 5-year estimate of results from annual surveys that are averaged together.

**Table 1: Population Trends (1940-2020)**

Year	Seaside Park		Ocean County		New Jersey	
1940	653	--	37,706	--	4,160,165	--
1950	987	51.1%	56,622	50.2%	4,835,329	16.2%
1960	1,054	6.8%	108,241	91.2%	6,066,782	25.5%
1970	1,432	35.9%	208,470	92.6%	7,171,112	18.2%
1980	1,795	25.3%	346,038	66.0%	7,365,011	2.7%
1990	1,871	4.2%	433,203	25.2%	7,730,188	5.0%
2000	2,263	21.0%	510,916	17.9%	8,414,350	8.9%
2010	1,579	-30.2%	576,567	12.8%	8,791,894	4.5%
2020	1,436	-9.1%	637,229	10.5%	9,288,944	5.7%

*Source: Census Bureau, Decennial Census; NJ Dept. of Labor and Workforce Development*

Seaside Park has a disproportionate number of aging residents, with the median resident 62.2 years of age. In total, 43.0% of the population is at least 65 years of age. Notably, however, only 15.6% of the population is between the ages of 55 and 64. The disparity between this cohort and the 65-and-over population suggests that many senior residents have made Seaside Park their primary residence following their retirement. Younger adults make up smaller segments of the community, with residents 20 to 34 years of age representing 10.0% of the population and those 35 to 54 years of age accounting for 20.6% of residents. There are relatively few children living in Seaside Park. Children under the age of 5 make up 3.1% of the population while persons between the ages of 5 and 19 comprise the remaining 7.6% of the



population. The population is relatively balanced between the sexes, with women accounting for 50.3% of the population and men 49.7%. Women are slightly older, with a median age of 63.3 years of age, while men have a median age of 58.4 years of age.

**Table 2: Population by Age and Sex**

Age Group	Total Population		Male		Female	
	Number	% of Population	Number	% of Population	Number	% of Population
Under 5 years old	56	3.1%	1	0.1%	55	6.1%
5 to 19 years of age	138	7.6%	97	10.8%	41	4.5%
20 to 34 years of age	181	10.0%	81	9.0%	100	11.0%
35 to 54 years of age	372	20.6%	212	23.7%	160	17.6%
imm55 to 64 years of age	282	15.6%	137	15.3%	145	16.0%
65+ years	775	43.0%	368	41.1%	407	44.8%
<b>Total</b>	<b>1,804</b>	<b>100.0%</b>	<b>896</b>	<b>100.0%</b>	<b>908</b>	<b>100.0%</b>
<b>Median age</b>	<b>62.2</b>		<b>58.4</b>		<b>63.3</b>	

*Source: Census Bureau, 2019-2023 5-Year American Community Survey*

The devastation wrought by Sandy in 2012 – and the departure of many households in the immediate aftermath – makes it impractical to do a ten-year population change analysis. Hence, the population change for age and sex compares 2011 and 2023 (Table 3). Over this twelve-year span, the population of Seaside Park increased significantly as the 65-and-over population grew from 31.1% to 43.0% of the community. Simultaneously, the share comprised by almost every other age cohort fell. The lone exception were the group of persons 5 to 19 years of age. The upshot is the median age rose from 56.2 to 62.2 years of age.

**Table 3: Share of Population by Age, 2011 and 2023**

Age Group	%, 2011 Population	%, 2023 Population
Under 5 years old	5.8%	3.1%
5 to 19 years of age	5.1%	7.6%
20 to 34 years of age	16.0%	10.0%
35 to 54 years of age	22.4%	20.6%
55 to 64 years of age	19.6%	15.6%
65+ years of age	31.1%	43.0%
<b>Median Age</b>	<b>56.2</b>	<b>62.2</b>
<b>Total Population</b>	<b>1,594</b>	<b>1,804</b>

*Source: 2009-2013, 2019-2023 5-Year American Community Survey*



Households in Seaside Park tend to be relatively small. The average household size in the borough is comprised of 1.92 residents (Table 4). This is substantially lower than the average household sizes in Ocean County, 2.65 persons. Remarkably, one- and two-person households account for 83.3% of all households in Seaside Park, far more than the 62.6% of households in the broader county. Of this group, two-person households constitute 41.3% of households in the borough while 42.1% are comprised of a single person. Three-person households account for a further 7.7% of households while 4-person households represent another 6.9%. Only a relative handful of households, 8.9% in all, have more than three persons. Per the American Community Survey, no households have more than 6 persons. Only a relative handful of households, 2.0% in all, have five or more persons.

**Table 4: Household Size**

Household Size	Seaside Park		Ocean County		New Jersey	
	Total	%	Total	%	Total	%
1-person household	<b>395</b>	42.1%	68,021	28.2%	918,897	26.4%
2-person household	<b>387</b>	41.3%	83,181	34.4%	1,081,842	31.1%
3-person household	<b>72</b>	7.7%	33,386	13.8%	594,946	17.1%
4-person household	<b>65</b>	6.9%	29,130	12.1%	530,520	15.3%
5-person household	<b>12</b>	1.3%	13,052	5.4%	218,492	6.3%
6-person household	<b>7</b>	0.7%	5,194	2.2%	79,678	2.3%
7+-person household	<b>0</b>	0.0%	9,557	4.0%	53,980	1.6%
Total households	<b>938</b>	100.0%	241,521	100.0%	3,478,355	100.0%
<b>Average Household Size</b>	<b>1.92</b>		<b>2.65</b>		<b>2.61</b>	

*Source: 2019-2023 5-Year American Community Survey*

Households are somewhat evenly divided between family and nonfamily households. Family households, two or more people living in the same housing unit and related to one another, constitute 52.5% of households in Seaside Park, while nonfamily households make up the remaining 47.5% (Table 5). As one might expect, family households tend to be comprised of more persons. In Seaside Park, family households have an average size of 2.49 persons. Nonfamily households, by comparison, total 1.14 persons on average. The average family household has 2.33 persons while non-family households have an average of 1.15 persons. As mentioned above, relatively few children live in Seaside Park. To be precise, only 17.8% of households having a person under the age of 18. Seniors are much more ubiquitous, as 56.0% of households have a member 65 years of age or older. Given that persons 65 years and older comprise only 43.0% of the population, it's reasonable to conclude that many older persons live with a younger family member who cares for them.



**Table 5: Family and Non Family Households**

Household Type	% of Households
Total family households	52.9%
Total nonfamily households	47.1%
Average household size, family households	2.49
Average household size, nonfamily households	1.14
Total households with a person under 18	9.9%
Total households with a person age 65 and over	56.0%
56.6Source: 2019-2023 5-Year ACS	

The residents of Seaside Park can boast of much higher rates of educational attainment than their peers in other Ocean County communities. Of all residents at least 25 years of age, 56.7% have at least a bachelor's degree while 27.0% possess a graduate or professional degree (Table 6). Overall, 99.0% of residents have either a high school diploma or an equivalent degree. These educational attainment statistics are especially noteworthy, considering that 'only' 43% of the comparable population in New Jersey has a bachelor's degree, a figure still well above the national average.

**Table 6: Educational Attainment**

Highest level of education	Seaside Park	Ocean County	New Jersey
Less than 9th grade	0.5%	2.5%	4.6%
9th to 12th grade, no diploma	0.5%	4.2%	4.7%
High school graduate (includes equivalency)	21.5%	33.1%	25.7%
Some college, no degree	9.8%	18.8%	15.3%
Associate's degree	11.1%	7.7%	6.7%
Bachelor's degree	29.7%	21.7%	25.8%
Graduate or professional degree	27.0%	12.0%	17.1%
<b>High school graduate or higher</b>	<b>99.0%</b>	<b>93.3%</b>	<b>90.7%</b>
<b>Bachelor's degree or higher</b>	<b>56.7%</b>	<b>33.7%</b>	<b>42.9%</b>
Source: 2019-2023 5-Year ACS			

White persons who are not Hispanic make up an overwhelming share of the population of Seaside Park, 91.2% (Table 7). Racial and ethnic minorities make up a relatively meager share of the Ocean County population in general. In Seaside Park, Asian Americans are present in the greatest number, making up 3.6% of the population, twice the countywide share. Black residents account for only 2.4% of the



population, less than the wider county. For New Jersey, where they constitute more than 1 in 5 residents, Hispanics make up a relatively small number of Seaside Park residents, 1.4% overall. By comparison, Hispanics comprise 10.6% of the Ocean County population.

**Table 7: Race and Ethnicity**

Race and Ethnicity	Seaside Park	Ocean County	New Jersey
<i>Non-Hispanic</i>	98.6%	89.4%	78.1%
White	91.2%	81.8%	51.9%
Black	2.4%	2.9%	12.3%
Asian	3.6%	1.8%	9.8%
Other Race Alone	0.0%	0.6%	0.8%
Two or more Races	1.3%	2.3%	3.2%
<i>Hispanic (All Races)</i>	1.4%	10.6%	21.9%
Hispanic, White	0.8%	3.2%	5.0%
Hispanic, Black	0.0%	0.2%	0.7%
Hispanic, Other	0.2%	3.3%	8.9%
Hispanic, Two or More Races	0.4%	4.0%	7.4%

*Source: 2019-2023 5-Year ACS*

## **SOCIOECONOMIC ANALYSIS**

According to the data from the American Community Survey, income inequality in Seaside Park is fairly severe. Of all households, 15.1% have a household income below \$25,000, significantly more than the county- and statewide shares of 11.5% and 11.9% (Table 8). At the other end of the spectrum, 17.0% of households have an income of at least \$200,000. Once again, this surpasses the comparable figures at the county and level. Certainly, the large number of retired residents living on a fixed income plays a role in the high number of low-income households. Even then, however, the Census does include investment income, Social Security, and private pensions in its definition of household income, so the high percentage of low-income residents is still noteworthy. The mean household income, which is \$142,616, is skewed by the considerable number of high-income households. The median income, which is not skewed by outliers, is \$83,333, slightly below that of Ocean County, \$86,411.



**Table 8: Household Income**

Household Income	Seaside Park	Ocean County	New Jersey
Less than \$25,000	15.4%	11.5%	11.9%
\$25,000-\$50,000	18.0%	16.5%	13.3%
\$50,000-\$100,000	25.4%	28.2%	24.3%
\$100,000-\$200,000	24.3%	30.2%	29.7%
More than \$200,000	17.0%	13.5%	20.7%
<b>Median Household Income</b>	<b>\$83,333</b>	<b>86,411</b>	<b>\$101,050</b>
<b>Mean Household Income</b>	<b>\$142,616</b>	<b>115,709</b>	<b>\$140,299</b>

*Source: 2019-2023 5-Year ACS*

Due to the sizable number of low-income households, the poverty rate in Seaside Park, 13.0%, is higher than in either Ocean County or New Jersey. Unlike in Ocean County, where the child poverty rate is 16.4%, no children appear to be living in poverty. Instead, the poverty rate in Seaside Park appears driven by the outsize number of seniors living in poverty. In all, 15.0% of residents 65 years of age and older are living below the poverty line, as defined by the Census. This is double the poverty rate in Ocean County. It is possible that some of these households are living off ample savings. That said, other communities with a large population of seniors record lower levels of poverty.

**Table 9: Poverty Rate**

Indicator	Seaside Park	Ocean County	New Jersey
Poverty Rate, Overall	13.0%	10.4%	9.8%
Poverty Rate, Under 18 years old	0.0%	16.4%	13.3%
Poverty Rate, Seniors	15.0%	7.5%	9.5%

*Source: 2019-2023 5-Year ACS*

Over the past decade, unemployment in Seaside Park has generally hovered above the rate for New Jersey and Ocean County. (Table 10). In 2013, the borough had an unemployment rate of 11.0%. The high unemployment rate in that year is likely a product of Hurricane Sandy, given that, as recently as 2011, the unemployment rate was 9.5%, lower than the countywide rate. For most of the 2010s, relatively high unemployment persisted. Nevertheless, the labor market eventually recovered. By 2019, unemployment in Seaside Park was lower than in the county as a whole. The rate shot up again in 2020, with the onset of the pandemic, reaching 8.8% before declining in each of the following three years. As of 2024, the borough has an unemployment rate of 4.7%.



**Table 10: Unemployment Rate**

Year	Seaside Park	Ocean County	New Jersey
2013	11.0%	9.5%	8.4%
2014	7.9%	7.4%	6.7%
2015	7.8%	6.1%	5.7%
2016	5.8%	5.2%	4.9%
2017	5.4%	4.7%	4.5%
2018	5.1%	4.1%	4.0%
2019	3.3%	3.6%	3.5%
2020	8.8%	9.1%	9.4%
2021	6.0%	6.3%	6.7%
2022	4.2%	3.9%	3.9%
2023	4.7%	4.2%	4.4%

*Source: NJ Dept. of Labor and Workforce Development*

Not-for-profit employees represent a larger share of the employed population than in other communities. Specific, not-for-profit workers comprise 12.7% of the employed population, compared to 7.6% statewide (Table 11). Another 15.8% of working residents are self-employed, of which 9.4% are business owners and 9.4% are contractors. By comparison, 9.8% of the employed population in Ocean County are self-employed. For-profit businesses employ 57.6% of the employed population, lower than the percentage recorded for either the state or county.

**Table 51: Class of Worker**

Class of Worker	Seaside Park	Ocean County	New Jersey
For-profit company employee	57.6%	64.9%	69.2%
Not-for-profit employee	12.7%	8.5%	7.6%
Government Worker	13.9%	16.9%	14.2%
Self-employed, business owner	9.4%	4.0%	3.9%
Self-employed, contractor	6.4%	5.8%	5.1%

*Source: 2019-2023 5-Year ACS*

As mentioned previously, Seaside Park appears to have a highly skilled workforce. This is supported in the Occupation data listed in Table 12. 57.1% of the employed population works in management, business, science, and the arts. While 8.9% and 6.9% of Ocean County and New Jersey workers work in natural resources, construction, or maintenance occupations, only 3.0% of working Seaside Park residents do. Likewise, only 2.0% of employed residents work in natural resources, construction, and maintenance, compared to 6.9% in the county and state. The story is the same for service occupations, which is how



9.2% of Seaside Park residents earn their pay, just over a third of the 14.8% who do statewide. That said, a larger percentage of residents work in production, transportation, and material moving, 10.3%, than in the county overall.

**Table 62: Occupation**

Occupation	Seaside Park	Ocean County	New Jersey
Management, business, science, and arts	57.1%	42.1%	46.9%
Service occupations	9.2%	16.4%	14.8%
Sales and office occupations	20.4%	23.7%	20.0%
Natural resources, construction, and maintenance occupations	3.0%	8.9%	6.9%
Production, transportation, and material moving	10.3%	8.9%	11.3%

*Source: 2019-2023 5-Year ACS*

Residents are employed in all the major industrial sectors, but are especially well-represented in education as well as the finance, insurance, and real estate (Table 13). Specifically, 11.4% of employed residents work in education, compared to 8.9% statewide, while 13.5% work in finance, appreciably higher than the 10.5% in New Jersey, a state where a considerable number of residents work for Wall Street firms. The retail sector also employs a higher-than-average share of workers, 12.9%, as does the arts, entertainment, recreation, and food services sector, 8.9%. It is possible that many of these workers cater to travelers visiting the Jersey Shore. A relatively small percentage of residents work for professional, scientific, and management firms than in other New Jersey communities while the healthcare sector, a critical sector of the US economy, only employs 11.3% of residents.

**Table 73: Industry**

Industry	Seaside Park	Ocean County	New Jersey
Agriculture, forestry, fishing and hunting, and mining	0.0%	0.2%	0.3%
Construction	6.7%	9.0%	6.4%
Manufacturing	7.4%	6.3%	9.8%
Wholesale trade	1.9%	3.1%	3.4%
Retail trade	12.9%	11.4%	8.7%

Industry	Seaside Park	Ocean County	New Jersey
Transportation and warehousing, and utilities	4.5%	6.8%	6.9%
Information	0.4%	2.1%	2.9%
Finance and insurance, and real estate and rental and leasing	13.5%	7.4%	10.3%
Professional, scientific, and management, and administrative and waste management services	8.7%	11.6%	15.4%
Educational services	11.4%	10.5%	8.9%
Health care and social assistance	11.3%	15.2%	13.3%
Arts, entertainment, and recreation, and accommodation and food services	8.9%	5.2%	4.8%
Other services except public administration	5.2%	3.6%	3.5%
Public administration	7.0%	7.6%	5.3%

Source: 2019-2023 5-Year ACS

Wherever they work, Seaside Park residents tend to get there by car. Approximately 80.9% of the working population drive to work alone (Table 14). Compared to Ocean County, where 8.0% of workers carpool, relatively few borough workers carpool together. More Seaside Park residents commute by public transportation, 3.0%, than in Ocean County and 1.8% walk to work, presumably for Jersey Shore businesses. Telecommuting is more prevalent in Seaside Park than in Ocean County overall, with 12.5% of workers working from home compared to 11.6% in the county as a whole. Even so, this is lower than the percentage who work from home statewide, 15.0%.

**Table 14: Means of Transport to Work**

Means of Transport	Seaside Park	Ocean County	New Jersey
Drove alone	80.9%	76.5%	63.7%
Carpooled	1.1%	8.0%	7.7%
Public transportation	3.0%	1.2%	8.5%
Walked	1.8%	1.3%	2.6%
Bicycle	0.0%	0.4%	0.3%



Means of Transport	Seaside Park	Ocean County	New Jersey
Taxicab, motorcycle, or other means	0.7%	1.2%	2.1%
Worked from home	12.5%	11.6%	15.0%

*Source: 2019-2023 5-Year ACS*

Seaside Park residents tend not to have extremely long commutes. Only 10.1% of commuters have an hourlong trip to work or longer, less than the 15.1% in Ocean County and 14.2% in New Jersey who have such a commute. Indeed, 36.8% have a commute that lasts longer than a half hour, compared to 42.2% for Ocean County. The downside is that relatively few workers have short commutes. Specifically, 16.4% of commuters have a commute of less than 15 minutes, significantly less than the 24.8% countywide. Approximately 46.6% of workers have a commute of between 15 and 30 minutes. In Ocean County and New Jersey, 32.9% and 32.7% of employed residents have a commute between 15 and 30 minutes, respectively.

**Table 15: Travel Time to Work**

Travel Time	Seaside Park	Ocean County	New Jersey
Less than 10 minutes	8.8%	12.4%	9.9%
10 to 14 minutes	7.6%	12.4%	11.5%
15 to 19 minutes	24.4%	14.3%	13.1%
20 to 29 minutes	22.4%	18.6%	19.6%
30 to 44 minutes	10.8%	18.3%	21.9%
45 to 59 minutes	15.9%	8.8%	9.9%
60 or more minutes	10.1%	15.1%	14.2%
<b>Mean travel time to work (minutes)</b>	<b>29.5</b>	<b>30.7</b>	<b>30.9</b>

*Source: 2019-2023 5-Year ACS*

Seaside Park is auto dependent with pedestrian and bicycle facilities being inconvenient for reaching almost every destination. As such, it makes sense that workers would have more vehicles at their disposal than those in other parts of New Jersey (Table 16). Of all households, 42.1% have three or more automobiles, a remarkably high figure for a community with so many one- and two-person households. By comparison, 37.4% of Ocean County households have three or more cars. Two-car households make up 30.4% households while those with only one vehicle account for 26.2%. A tiny share of households, 1.4%, do not have a car at all.



**Table 16: Total Vehicles Available**

Total Vehicles	Seaside Park	Ocean County	New Jersey
No vehicle	1.4%	2.5%	6.4%
1 vehicle	26.2%	16.4%	23.3%
2 vehicles	30.4%	43.7%	39.9%
3 or more vehicles	42.1%	37.4%	30.3%

Source: NJ 2019-2023 5-Year ACS

## **HOUSING ANALYSIS**

Renters are present in greater numbers in Seaside Park as compared to Ocean County. In all, 22.5% of the population lives in rental housing compared to 19.8% countywide (Table 17). That said, Seaside Park is still full of homeowners, with 77.5% of residents living in owner-occupied housing, higher than in the Garden State, where 63.7% of residents live in owner-occupied homes.

**Table 17: Tenure**

Tenure	Seaside Park	Ocean County	New Jersey
Owner-Occupied	77.5%	80.2%	63.7%
Renter-Occupied	22.5%	19.8%	36.3%

Source: 2019-2023 5-Year ACS

Tourism shapes the local housing market to an undue degree. A majority of the housing units in Seaside Park, 65.6%, are technically vacant, as a majority of housing units are second homes used seasonally or for only limited stretches of the year. (Table 18) Vacant units relatively numerous in Ocean County, with its long coastline, and where 18.2% of housing units are defined as vacant.

**Table 18: Occupancy Status**

Occupancy Status	Seaside Park	Ocean County	New Jersey
Occupied	34.4%	81.8%	92.1%
Vacant	65.6%	18.2%	7.9%

Source: 2019-2023 5-Year ACS



In precise terms, housing set aside for beachgoers account for 93.9% of vacant units in Seaside Park (Table 19). Overall, homes used only seasonally make up 76.5% of the vacant housing in Ocean County. Units vacant for other reasons, a category that often encompasses abandoned or dilapidated units, comprise 5.8% of the vacant housing in the borough. This is a far lower figure than seen countywide, where this category accounts for 14.9% of vacant units.

**Table 19: Vacancy Status**

Vacancy Status	Seaside Park	Ocean County	New Jersey
For rent	0.3%	2.6%	16.0%
Rented, not occupied	0.0%	0.4%	2.7%
For sale only	0.0%	3.4%	6.4%
Sold, not occupied	0.0%	2.3%	4.1%
For seasonal, recreational, or occasional use	93.9%	76.5%	43.7%
For migrant workers	0.0%	0.1%	0.0%
Other vacant	5.8%	14.9%	27.1%

*Source: 2019-2023 5-Year ACS*

Single-family residences comprise almost two-thirds of the housing stock (Table 20). All told, 60.4% of housing units in the municipality are detached one-family houses. Attached one-family houses add another 3.3% of the housing stock. While representing a large share of the borough's housing, single-family units are even more commonplace in the rest of Ocean County, where 74.7% of the housing stock is comprised of one-family detached dwellings. Two-family residences are relatively plentiful in Seaside Park, totaling 14.2% of housing units, more than in New Jersey overall and almost five times the countywide share. Three- and four-unit structures provide 9.6% of housing units. Multifamily housing, defined as buildings that contain five or more housing units, accounts for 12.1% of the community's housing. This is somewhat above the percentage countywide, or 10.1%. It is important to note that the units in structure data here, which covers the housing stock as a whole, differs from the data in the following paragraph and table, which addresses units in structure by tenure, and, hence, only covers housing for year-round residents.

**Table 20: Units in Structure**

Housing Type	Seaside Park	Ocean County	New Jersey
1, detached	60.4%	74.7%	52.7%
1, attached	3.3%	9.7%	10.0%
2	14.2%	3.0%	8.6%
3 or 4	9.6%	2.5%	6.1%
5 to 9	6.6%	2.1%	4.7%



Housing Type	Seaside Park	Ocean County	New Jersey
10 to 19	2.9%	2.1%	4.9%
20 or more	2.6%	3.8%	11.1%
Mobile home	0.5%	2.1%	0.9%
Boat, RV, van, etc.	0.0%	0.0%	0.0%

Source: 2019-2023 5-Year ACS

Seaside Park homeowners overwhelmingly reside in one-family detached residences, totaling 80.7% of the owner-occupied stock. The remainder of owner-occupied housing consists of attached one-family houses, two-family dwellings three-to-four family structures, and multifamily buildings. Two-family residences are the most common housing type for renters, constituting a third of all rentals. Many single-family detached houses are rented as well, comprising 30.9% of renter-occupied housing. Almost a quarter of rental units are in buildings of between 5 and 9 units while another 8.4% are in three- and four-unit buildings.

**Table 81: Units in Structure by Tenure**

Housing Type	Seaside Park		Ocean County		New Jersey	
	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied
1, detached	80.7%	30.9%	83.9%	33.7%	77.1%	11.7%
1, attached	4.8%	1.6%	9.4%	16.0%	10.2%	8.4%
2	10.4%	33.3%	1.5%	7.5%	4.6%	15.5%
3 or 4	3.2%	8.4%	1.2%	7.0%	1.7%	13.8%
5 to 9	0.0%	24.1%	0.7%	7.3%	1.4%	10.6%
10 to 19	0.9%	1.6%	0.3%	9.7%	1.2%	11.4%
20 to 49	0.0%	0.0%	0.3%	5.8%	1.0%	9.7%
50 or more	0.0%	0.0%	0.2%	11.5%	1.8%	18.4%
Mobile home	0.0%	0.0%	2.5%	1.5%	1.1%	0.4%
Boat, RV, van, etc.	0.0%	0.0%	0.0%	0.1%	0.0%	0.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: 2019-2023 5-Year ACS

As alluded to above, development in Seaside Park began well before World War II. This is reflected in the relative age of the housing stock, with 28.4% of housing units built before 1940. (Table 22). That is not to say significant development did not occur later. For instance, 10.1% of housing units were constructed in the 1940s while 13.5% date to the 1950s. While building slackened somewhat in the 1960s and 70s, when 7.8% and 5.8% of existing units were built, respectively, a spurt of homebuilding occurred in the 1980s,



when 17.2% of homes were built. Relative to Ocean County, where 34.8% of homes have been built since 1990, a modest number of homes have been constructed since the 80s, 17.2% of homes in all. This figure includes a sizable of homes built in the 2010s, likely related to Sandy, when 7.8% of homes were constructed.

**Table 92: Year Structure Built**

Year Structure Built	Seaside Park	Ocean County	New Jersey
Built 2020 or later	2.2%	0.7%	0.6%
Built 2010 to 2019	7.8%	8.9%	5.8%
Built 2000 to 2009	4.9%	13.2%	9.1%
Built 1990 to 1999	2.3%	12.0%	9.1%
Built 1980 to 1989	17.2%	16.3%	11.9%
Built 1970 to 1979	5.8%	19.8%	12.4%
Built 1960 to 1969	7.8%	13.1%	13.0%
Built 1950 to 1959	13.5%	8.9%	14.1%
Built 1940 to 1949	10.1%	3.0%	6.7%
Built 1939 or earlier	28.4%	4.2%	17.5%

*Source: 2019-2023 5-Year ACS*

Interestingly, the housing stock is generally suited for larger households. Three-bedroom units constitute 31.5% of the borough's housing stock while four-bedroom units comprise 20.1% of units. A further 11.9% of houses have five bedrooms or more. In total, 62.5% of housing units have three bedrooms or more. This is a large share of homes in a community where most households comprise one or two persons, and, presumably, many of these larger homes are second homes or used by vacationers. While similar to the share in Ocean County, where 60.6% of units have three bedrooms or more, larger homes can be challenging for older persons to maintain. As for smaller housing units, 23.5% of Seaside Park homes have two bedrooms or less. Of this, 17.5% of homes have two bedrooms, 5.7% have one bedroom, and 0.3% have no separate bedroom. In Ocean County, 22.8% of units have two bedrooms or less.

**Table 23: Number of Bedrooms, Housing Stock**

Total Bedrooms	Seaside Park	Ocean County	New Jersey
No bedroom	1.5%	0.8%	3.0%
1 bedroom	8.6%	6.4%	14.2%
2 bedrooms	26.4%	32.3%	25.5%
3 bedrooms	31.5%	31.7%	31.8%
4 bedrooms	20.1%	21.0%	19.7%
5 or more bedrooms	11.9%	7.9%	5.9%

*Source: 2009-2013 5-Year ACS*



Some residential units do not adequately serve their occupants needs (Table 24). Overcrowding conditions, where more residents are present than rooms, exist in 2.3% of homes. Another 0.9% of housing units lack telephone service. More positively, the Census found no homes that lacked essential plumbing or kitchen facilities. Additionally, no occupied units lacked fuel for heating. As for heating fuel, 82.4% of households used natural gas supplied by a utility for heat. This exceeds the 77.9% reported for Ocean County. Electricity is also used by a sizable number of households, 11.9% in all.

**Table 24: Housing Quality Indicators**

Home Heating Fuel	Seaside Park	Ocean County	New Jersey
Utility gas	82.4%	77.9%	73.3%
Bottled, tank, or LP gas	3.1%	1.4%	2.5%
Electricity	11.9%	15.2%	15.6%
Fuel oil, kerosene, etc.	0.5%	4.3%	6.8%
Coal or coke	0.4%	0.0%	0.0%
Wood	0.0%	0.3%	0.3%
Solar energy	0.4%	0.4%	0.2%
Other fuel	1.2%	0.2%	0.5%
No fuel used	0.0%	0.3%	0.8%
<b>Lacking facilities</b>			
Lacking complete plumbing facilities	0.0%	0.3%	0.3%
Lacking complete kitchen facilities	0.0%	0.5%	0.8%
No telephone service available	0.9%	0.8%	0.9%
<b>Occupants Per Room</b>			
1.00 or less	97.7%	97.7%	96.3%
1.01 to 1.50	0.0%	1.8%	2.4%
1.51 or more	2.3%	0.4%	1.3%
<i>Source: 2019-2023 5-Year ACS</i>			

Long-time residents form a sizable segment of the community (Table 26). A noteworthy 35.2% of householders moved into their home before 2000. This is well above the figure for Ocean County, 21.5%. By extension, 64.8% of householders in Seaside Park moved into their home in the twenty-first century, less than the 78.5% for Ocean County. An appreciable number of residents have moved into their homes in the last 15 years, or 48.5% of households in all.



**Table 25: Year Moved In**

Year Moved In	Seaside Park	Ocean County	New Jersey
Moved in 2021 or later	5.5%	6.8%	8.3%
Moved in 2018 to 2020	12.2%	19.8%	20.6%
Moved in 2010 to 2017	30.8%	29.7%	28.6%
Moved in 2000 to 2009	16.2%	22.2%	19.2%
Moved in 1990 to 1999	18.8%	11.7%	11.4%
Moved in 1989 and earlier	16.6%	9.8%	11.9%

Source: 2009-2013 5-Year ACS

## **HOUSING MARKET ANALYSIS**

Approximately 52.5% of Seaside Park homeowners have a mortgage while 47.5% do not have a mortgage (Table 27). The share of homeowners who do not have a mortgage is distinctly higher than in either the county or state. Overall, 40.8% of homeowners in Ocean County do not have a mortgage while, in New Jersey, the share is only 35.6%.

**Table 26: Mortgage Status**

Mortgage Status	Seaside Park	Ocean County	New Jersey
With a mortgage	52.5%	59.2%	64.4%
Without a mortgage	47.5%	40.8%	35.6%

Source: 2019-2023 5-Year ACS

Home values in Seaside Park are exceptionally high, a product of their valuable location on the coast. More than a third of homes in the borough, 35.8%, are valued in excess of \$1,000,000 (Table 27). This is an astronomical figure for Ocean County, where only 4.5% of homes have a value of at least \$1,000,000. What's more, another 28.0% of homes have a value of at least \$750,000 and an additional 28.2% have a value of at least \$500,000. In other words, 84.0% of homes in Seaside Park have a value of at least \$500,000. To put this in perspective, only 27.2% of homes have a similar value in Ocean County. At the low end of the market, 6.0% is valued between \$300,000 and \$499,999. The remaining 2.1% of owner-occupied homes are valued below \$300,000, including 1.2% valued below \$100,000. Overall, the median home in Seaside Park is valued at \$873,700, far surpassing the comparable figure for Ocean County, \$366,600.



**Table 27: Home Values**

Home Value	Seaside Park	Ocean County	New Jersey
Less than \$100,000	1.2%	7.4%	4.4%
\$100,000 to \$299,999	0.9%	28.7%	23.6%
\$300,000 to \$499,999	6.0%	36.7%	33.8%
\$500,000 to \$749,999	28.2%	17.5%	23.0%
\$750,000 to \$999,999	28.0%	5.2%	8.6%
\$1,000,000 or more	35.8%	4.5%	6.6%
Median home value	\$873,700	\$366,600	\$427,600
<i>Source: 2019-2023 5-Year ACS</i>			

Data from the New Jersey Division of Taxation shows that home prices skyrocketed during the pandemic (Table 28). Despite remaining relatively flat between 2015 and 2020, the average price of homes sold in Seaside Park has since taken off. Whereas the average sales price was \$523,988 in 2020, by 2024, homes sold for an average of \$929,324. In each of the last three years, homes have sold for an average price in excess of \$800,000. For the last decade, the housing market in the borough has paralleled that of Ocean County as a whole. Countywide, home prices generally stayed between \$325,000 and \$375,000 during the five-year period between 2015 and 2020. As with Seaside Park, home prices in Ocean County soared after 2020. The number of homes sold jumped to 13,590 in 2021 and stayed above 11,000 in 2022 before subsequently leveling off. As of 2024, the average sales price in Ocean County was \$572,272.

**Table 28: Home Sales**

Year	Seaside Park		Ocean County	
	Total Sales	Avg Sales Price	Total Sales	Avg Sales Price
2015	46	\$569,163	6,089	\$324,206
2016	43	\$631,576	7,765	\$326,866
2017	60	\$513,113	8,412	\$342,476
2018	62	\$508,108	8,763	\$360,452
2019	56	\$551,047	9,274	\$365,158
2020	74	\$523,988	8,981	\$373,149
2021	129	\$665,623	13,590	\$426,077
2022	67	\$840,933	11,259	\$490,645
2023	30	\$844,227	8,628	\$513,720
2024	51	\$929,324	7,149	\$572,272
<i>Source: NJ Division of Taxation, NJ Treasury</i>				



The spike in home values has not filtered down to residential tax assessments as of yet (Table 29). The average home assessment, which was \$548,478 in 2016, had grown to \$571,413, a modest increase. Average home assessments have risen more steeply in Ocean County overall. Whereas, in 2016, the average Ocean County home had an assessed value of \$311,778, by figure, it had climbed to \$386,676.

**Table 29: Residential Tax Assessments**

Year	Total Lots, Seaside Park	Average Assessment	Total Lots, Ocean County	Average Assessment
2016	1,910	\$548,478	240,513	\$311,778
2020	1,926	\$562,520	245,926	\$336,321
2024	1,951	\$571,413	249,662	\$386,676

*Source: NJ Division of Taxation, NJ Treasury*

Given the rise in home values, the cost of housing may become of increasingly serious concern in the years to come. Housing is generally considered to be affordable if the amount of rent, mortgage, and other essential costs consume less than 30% of a household's income. If a household spends more than 30% of its income on housing, it is considered cost-burdened. ACS data show that a considerable share of Seaside Park households, 42.9, spend 30% or more of their income on housing (Table 30). This surpasses the percentage of cost-burdened households in Ocean County, 34.5%, as well as in New Jersey, 35.7%.

**Table 30: Burden of Housing Costs, All Households**

Housing Costs as % of HH Income	Seaside Park	Ocean County	New Jersey
Less than 20% of HH Income	34.5%	41.9%	39.3%
20 to 29% of HH Income	13.1%	21.6%	22.9%
30% or more of HH Income	42.9%	34.5%	35.7%
Zero or negative income	3.8%	0.7%	1.1%
No cash rent	5.7%	1.2%	1.1%

*Source: 2019-2023 5-Year ACS*

Seaside Park homeowners are more strained by housing costs than their compatriots in the rest of the state. An estimated 40.1% of households allocate at least 30% of income towards the cost of housing (Table 31). Again, this is lower than the comparable percentages for the county and state, 29.5% and 28.5%. Only 40.1% of households spend less than 20% of income on housing, lower than the share countywide, 47.6%, while 14.7% spend between 20% and 29% of income on housing.



**Table 101: Burden of Housing Costs, Owner-Occupied Housing**

Housing Costs as % of HH Income	Seaside Park	Ocean County	New Jersey
Less than 20% of HH Income	40.1%	47.6%	48.1%
20 to 29% of HH Income	14.7%	22.3%	22.7%
30% or more of HH Income	40.1%	29.5%	28.5%
Zero or negative income	5.2%	0.6%	0.6%
Source: 2019-2023 5-Year ACS			

In terms of monthly costs, 72.5% of households with a mortgage pay \$3,000 or more on housing (Table 32). This far outpaces the comparable rate for Ocean County, 24.6%. This is, indeed, the tradeoff of living in a sought-after location. Likewise, the median monthly cost of housing, \$3,427, far exceeds the countywide media, \$2,306. Steep housing costs are a deeply concerning issue for the entire state of New Jersey, where the median monthly cost for homeowners with a mortgage is \$2,767.

**Table 32: Monthly Costs, Homeowners with a Mortgage**

Monthly housing costs	Seaside Park	Ocean County	New Jersey
Less than \$500	0.0%	0.7%	0.4%
\$500 to \$999	0.0%	3.6%	1.8%
\$1,000 to \$1,499	3.0%	12.3%	6.6%
\$1,500 to \$1,999	3.6%	20.4%	13.7%
\$2,000 to \$2,499	11.3%	21.4%	17.7%
\$2,500 to \$2,999	9.4%	17.1%	17.0%
\$3,000 or more	72.7%	24.6%	42.7%
<b>Median monthly housing cost</b>	<b>\$3,427</b>	<b>\$2,306</b>	<b>\$2,787</b>
Source: 2019-2023 5-Year ACS			

Monthly housing costs are necessarily lower for those households without a mortgage. Still, housing-related spending is high, so high that the Census assigned a default value for the median monthly cost, \$1,500+ (Table 33). In total, 85.3% of households without a mortgage spend \$1,000 on housing. These expenditures go towards taxes, insurance payments, utilities, and other fees. In comparison, 39.0% of households without a mortgage in Ocean County spend more than \$1,000. Of remaining households, 4.3% spend between \$800 and \$999 a month on housing, 3.1% spend between \$600 and \$799, while 7.3% spend less than \$600 a month. The latter figure contrasts greatly from Ocean County, where 22.0% of households without a mortgage spend less than \$600 a month on housing.



**Table 33: Monthly Costs, Homeowners without a Mortgage**

Monthly housing costs	Seaside Park	Ocean County	New Jersey
Less than \$250	0.9%	3.1%	1.9%
\$250 to \$399	1.8%	6.4%	2.6%
\$400 to \$599	4.6%	12.5%	5.0%
\$600 to \$799	3.1%	17.9%	8.8%
\$800 to \$999	4.3%	21.2%	14.6%
\$1,000 or more	85.3%	39.0%	67.1%
<b>Median monthly housing costs</b>	<b>\$1,500+</b>	<b>\$895</b>	<b>\$1,205</b>

*Source: 2019-2023 5-Year ACS*

Housing costs put an even greater strain on renters in New Jersey, where 48.3 of renting households are cost-burdened (Table 34). In Seaside Park, a majority of renting households in Seaside Park are cost-burdened, or 50.6%. A further 8.8% of households spend between 20% and 29% of their income on housing costs while 19.3% of renting households spend less than 20% of their income on housing costs. A large number of renters, 21.3%, pay no cash rent, far more than the Ocean County figure, 6.3%.

**Table 34: Burden of Housing Costs, Renter-Occupied Housing**

Housing Costs as % of HH Income	Seaside Park	Ocean County	New Jersey
Less than 20% of HH Income	19.3%	18.9%	23.8%
20 to 29% of HH Income	8.8%	18.8%	23.1%
30% or more of HH Income	50.6%	54.8%	48.3%
Zero or negative income	0.0%	1.2%	1.9%
No cash rent	21.3%	6.3%	2.9%

*Source: 2019-2023 5-Year ACS*

Interestingly, gross rent in Seaside Park is relatively low. To be specific, the median rent in the borough is \$1,402, well below the median rent in Ocean County, or \$1,702. In total, only 13.2% of renting households have a rent of at least \$2,000, compared to 30.1% for Ocean County, while 40.8% of Seaside Park renters have a rent of at least \$1,500 per month. An additional 38.3% of households have a rent between \$1,000 and \$1,500 while 20.9% pay less than \$1,000 a month. It seems, then, that the high cost burden placed on Seaside Park renters is due to their relatively modest incomes. While the rent listed for homes in Seaside Park is relatively low, it still eats consumes a larger share of household budgets relative to renters elsewhere.



**Table 35: Gross Rent**

Gross Rent	Seaside Park	Ocean County	New Jersey
Less than \$500	0.0%	4.3%	6.3%
\$500 to \$999	20.9%	7.0%	8.7%
\$1,000 to \$1,499	38.3%	25.2%	26.3%
\$1,500 to \$1,999	27.6%	33.5%	28.5%
\$2,000 to \$2,499	11.2%	19.1%	15.9%
\$2,500 to \$2,999	2.0%	5.9%	6.7%
\$3,000 or more	0.0%	5.1%	7.6%
<b>Median rent</b>	<b>\$1,402</b>	<b>\$1,702</b>	<b>\$1,653</b>

*Source: 2019-2023 5-Year ACS*

## **DEVELOPMENT TRENDS**

The rate at which borough have issued permits for new housing has stayed relatively steady over the last decade. In the last 10 years, the most building permits issued in a year was in 2018 when building permits were approved for 21 housing units (Table 37). The lowest number of residential building permits issued on a yearly basis was in 2021 and 2023, when 9 permits were approved. Annually, Seaside Park has permitted 13 housing units on average since 2014. This pace represents a slight increase over the twenty-year average. Housing production statewide, though, appears to be accelerating. Since 2018, the number of new homes permitted annually in New Jersey has exceeded the 10-year average in 5 of 6 years, reaching a peak in 2022, when 31,792 homes were permitted. It's important to note, though, that permits slowed in 2023, when only 21,682 were issued.

**Table 36: Total Housing Permits Issued Per Year, 2004-2023**

Year	Seaside Park	Ocean County	New Jersey
2004	17	5,101	39,238
2005	19	3,981	39,688
2006	13	2,671	32,048
2007	17	2,298	25,948
2008	13	1,839	16,338
2009	6	1,387	11,145
2010	14	1,768	11,885
2011	6	1,455	11,882
2012	4	1,517	15,270



Year	Seaside Park	Ocean County	New Jersey
2013	4	2,467	18,795
2014	15	3,328	22,896
2015	11	2,934	19,503
2016	5	2,712	24,170
2017	13	2,757	25,961
2018	21	2,079	26,048
2019	18	2,273	30,770
2020	7	1,996	26,680
2021	18	2,290	30,044
2022	12	2,061	31,792
2023	16	1,928	21,682
<b>10 YEAR AVG</b>	<b>13</b>	<b>2,439</b>	<b>25,304</b>
<b>20-YEAR AVG</b>	<b>12</b>	<b>2,442</b>	<b>24,089</b>

*Source: NJ Dept. of Community Affairs*

Unsurprisingly, all building permits were for one- and two-family residences (Table 37). Homebuilding in Ocean County tends to focus on one- and two-family housing, which constituted an average of 84.6% of housing units permitted annually over the last decade. By comparison, multifamily development accounted for just 15.4% of housing units permitted on average by Ocean County municipalities on a yearly basis. Homebuilding patterns in Seaside Park and Ocean County depart sharply from the wider Garden State, where multifamily development comprised, on average, 60.5% of housing units permitted annually since 2014.

**Table 37: Total Housing Permits Issued by Type, 2004-2023**

Year	Seaside Park			Ocean County			New Jersey		
	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use
2004	17	0	0	4,371	624	106	39,238	27,103	11,383
2005	19	0	0	3,652	279	50	39,688	26,715	12,687
2006	13	0	0	2,533	101	37	32,048	20,090	11,760
2007	17	0	0	1,949	323	26	25,948	14,235	11,553
2008	13	0	0	1,432	395	12	16,338	8,960	7,102
2009	6	0	0	1,319	65	3	11,145	6,776	4,309
2010	14	0	0	1,265	499	4	11,885	6,934	4,733
2011	6	0	0	1,057	397	1	11,882	6,236	5,184



Year	<i>Seaside Park</i>			<i>Ocean County</i>			<i>New Jersey</i>		
	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use
2012	4	0	0	1,171	345	1	15,270	6,700	8,527
2013	4	0	0	2,366	94	7	18,795	9,666	8,998
2014	15	0	0	3,088	232	8	22,896	10,678	11,909
2015	11	0	0	2,523	405	6	19,503	9,470	9,989
2016	5	0	0	2,009	695	8	24,170	8,885	15,217
2017	13	0	0	2,224	529	4	25,961	9,201	16,146
2018	19	0	2	1,803	268	8	26,048	9,026	16,811
2019	18	0	0	1,774	490	9	30,770	8,954	21,762
2020	7	0	0	1,886	100	10	26,680	8,673	17,950
2021	18	0	0	2,089	200	1	30,044	10,479	19,471
2022	12	0	0	1,572	489	0	31,792	9,163	21,913
2023	16	0	0	1,594	327	7	21,682	9,552	11,538
<b>10-YEAR AVG</b>	<b>13.4</b>	<b>0.0</b>	<b>0.2</b>	<b>2,056</b>	<b>374</b>	<b>6</b>	<b>25,955</b>	<b>9,408</b>	<b>16,271</b>
<b>20-YEAR AVG</b>	<b>12.4</b>	<b>0.0</b>	<b>0.1</b>	<b>2,084</b>	<b>343</b>	<b>15</b>	<b>24,089</b>	<b>11,375</b>	<b>12,447</b>

*Source: NJ Dept. of Community Affairs*

A similar pattern can be seen in the certificate of occupancy data. Certificates of occupancy were issued almost exclusively for one- and two-family homes, with 1 mixed-use unit certified in both 2019 and 2020 (Table 38). Data from New Jersey Department of Community Affairs indicates that 1,008 one- and two-family homes were certified in the borough in 2023, but this seems extremely dubious, and the figure is, most likely, a data error. Countywide, 86.5% of certificates of occupancy for homes were for one- and two-family homes while, at the state level, only 43.5% of housing units certified were one- and two-family units.

**Table 38: Certificates of Occupancy, 2014-2023**

Year	<i>Seaside Park</i>			<i>Ocean County</i>			<i>New Jersey</i>		
	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use
2014	5	0	0	2,180	58	8	8,158	5,042	55
2015	12	0	0	2,496	209	6	8,308	7,010	72
2016	9	0	0	2,124	273	4	7,912	7,073	38



Year	Seaside Park			Ocean County			New Jersey		
	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use	1-2 Units	Multifamily	Mixed-Use
2017	1	0	0	1,827	339	8	7,511	8,955	259
2018	11	0	0	1,754	414	3	7,164	9,861	293
2019	14	0	1	1,124	325	6	5,309	11,097	389
2020	13	0	1	1,249	192	11	5,716	9,755	54
2021	4	0	0	1,086	133	1	4,818	12,801	24
2022	5	0	0	1,086	62	1	5,167	10,545	66
2023	1,008	0	0	870	415	2	6,983	11,568	17
<b>10-Year Average</b>	<b>108</b>	<b>0</b>	<b>0</b>	<b>1,580</b>	<b>242</b>	<b>5</b>	<b>6,705</b>	<b>9,371</b>	<b>127</b>

*Source: NJ Dept. of Community Affairs*

Table 39 contains the data for demolition permits issued since 2004. Over the last two decades, Seaside Park has approved demolition permits for an average of 15.25 homes annually. The annual rate of demolition permits spiked after 2012, as homes damaged by Hurricane Sandy were torn down. All told, 30 housing units were demolished in 2013, followed by 33 in 2014, and 23 in 2015. After 2015, demolition permits returned to their pre-Sandy level.

**Table 39: Demolition Permits, 2004-2023**

Year	1-2 Family	Multifamily	Mixed-Use	Total
2004	15	0	0	15
2005	13	0	0	13
2006	18	0	0	18
2007	27	0	0	27
2008	13	0	0	13
2009	14	0	0	14
2010	10	0	0	10
2011	6	0	0	6
2012	8	0	0	8
2013	30	0	0	30
2014	33	0	0	33
2015	23	0	0	23
2016	15	0	0	15
2017	16	0	0	16
2018	15	0	0	15



Year	1-2 Family	Multifamily	Mixed-Use	Total
2019	17	0	0	17
2020	5	0	0	5
2021	13	0	0	13
2022	5	0	0	5
2023	9	0	0	9
<b>Total</b>	<b>305</b>	<b>0</b>	<b>0</b>	<b>305</b>
<b>10-Year Average</b>	<b>15.1</b>	<b>0</b>	<b>0</b>	<b>15.1</b>
<b>20-Year Average</b>	<b>15.25</b>	<b>0</b>	<b>0</b>	<b>15.25</b>

*Source: NJ Dept of Community Affairs*

Adjusting for demolition, the municipality has had a net loss of at least 56 housing units since 2004, with demolition permits approved at a greater rate than building permits. (Table 40). These units were almost entirely composed of one- and two-family residences. It is possible the data understates the housing loss as some homeowners may not have sought demolition permits for homes destroyed during the storm even if it would have been prudent to do so. It is important to note, however, that even had the storm not occurred, the borough would have had, at best, a marginal gain of housing on net, such was the pace of at which building permits and demolition permits were approved before and after the years affected by Sandy.

**Table 110: Net Housing Permits, 2004-2023**

Year	1-2 Family	Multifamily	Mixed-Use	Total
2004	2	0	0	2
2005	6	0	0	6
2006	-5	0	0	-5
2007	-10	0	0	-10
2008	0	0	0	0
2009	-8	0	0	-8
2010	4	0	0	4
2011	0	0	0	0
2012	-4	0	0	-4
2013	-26	0	0	-26
2014	-18	0	0	-18
2015	-12	0	0	-12



Year	1-2 Family	Multifamily	Mixed-Use	Total
2016	-10	0	0	-10
2017	-3	0	0	-3
2018	4	0	2	6
2019	1	0	0	1
2020	2	0	0	2
2021	5	0	0	5
2022	7	0	0	7
2023	7	0	0	7
<b>TOTAL</b>	<b>-58</b>	<b>0</b>	<b>2</b>	<b>-56</b>
<b>10-YEAR AVG</b>	<b>-1.7</b>	<b>0</b>	<b>0.2</b>	<b>-1.5</b>
<b>20-YEAR AVG</b>	<b>-2.9</b>	<b>0</b>	<b>0.1</b>	<b>-2.8</b>

*Source: NJ Dept of Community Affairs*

A relatively small amount of nonresidential development has been constructed in Seaside Park during the twenty-first century (Table 41). In the last twenty years, the peak year for nonresidential construction came in 2019, when building permits were approved for 1,853 square feet of nonresidential development. Seaside Park staffers have issued permits for more than 1,000 square feet of nonresidential development in just four of the last twenty years and an average of 381 square feet per year. No permits have been issued for office or retail construction in the last twenty years.

**Table 121: Building Permits Nonresidential Construction, 2004-2023**

Year	Seaside Park			Ocean County			New Jersey		
	Office	Retail	Other	Office	Retail	Other	Office	Retail	Other
2004	0	0	1,276	629,754	128,476	4,468,456	12,219,068	4,911,257	75,684,969
2005	0	0	0	645,651	239,748	1,829,144	11,038,132	5,965,258	73,362,717
2006	0	0	273	807,899	422,163	2,638,516	11,113,555	5,186,662	64,832,186
2007	0	0	480	253,637	1,599,355	1,448,079	9,569,501	5,423,889	73,730,397
2008	0	0	0	191,045	820,322	1,281,709	7,962,998	5,557,101	53,927,182
2009	0	0	0	189,679	169,908	1,089,442	4,253,888	2,248,935	26,167,813



Year	Seaside Park			Ocean County			New Jersey		
	Office	Retail	Other	Office	Retail	Other	Office	Retail	Other
2010	0	0	455	88,069	131,578	1,481,697	5,496,579	2,192,231	28,045,791
2011	0	0	284	247,294	234,431	963,220	4,915,544	1,680,445	24,332,718
2012	0	0	0	407,290	222,619	1,185,249	7,395,704	2,088,658	37,002,415
2013	0	0	0	242,479	43,451	1,622,062	5,830,508	2,240,758	44,472,793
2014	0	0	1,209	284,999	431,852	1,607,276	5,426,729	3,536,522	56,393,895
2015	0	0	53	357,716	81,668	1,333,665	5,751,737	3,544,141	43,352,211
2016	0	0	336	469,757	218,023	2,231,321	7,183,084	2,913,461	72,788,077
2017	0	0	1,298	374,136	168,660	1,506,798	6,826,372	2,153,638	63,815,578
2018	0	0	9	441,766	43,575	4,484,538	5,316,607	3,122,448	57,802,970
2019	0	0	1,853	403,174	167,860	1,458,488	5,724,671	1,286,733	66,040,467
2020	0	0	84	748,181	88,558	1,025,311	5,525,377	2,023,918	59,606,564
2021	0	0	0	309,586	81,650	1,680,981	5,074,155	786,303	76,473,629
2022	0	0	0	485,348	108,048	2,405,852	7,716,195	622,440	76,744,393
2023	0	0	0	667,026	4,511	1,396,636	6,406,348	1,257,019	55,155,031
<b>20-YEAR AVG</b>	<b>0</b>	<b>0</b>	<b>381</b>	<b>412,224</b>	<b>270,323</b>	<b>1,856,922</b>	<b>7,037,338</b>	<b>2,937,091</b>	<b>56,486,590</b>

*Source: NJ Dept. of Community Affairs*

## PLANNING PROJECTIONS

Ocean County is served by the North Jersey Transportation Planning Authority (NJTPA), one of New Jersey's three metropolitan planning organizations. NJTPA calculates population and employment projections to anticipate the long-range planning needs of the North Jersey portion of the New York metropolitan area.

The agency forecasts that Seaside Park and Ocean County will have lower population and household growth than the rest of NJTPA coverage area (Table 42). Specifically, total households in Seaside Park are projected to increase at an annualized rate of 0.32% for households while total population is projected to rise at a rate of 0.36% per year. The growth rates projected would result in a community of 934 households and 1,749 residents by 2050. The agency expects household and population growth to be even higher for Ocean County overall, whose population NJTPA expects to grow by 144,203 persons and 49,879 households by 2050. This represents an annualized growth rate of 0.58% for households and 0.63% for population. The growth rates for the county, but not of the borough, surpass those projected for NJTPA's jurisdiction as a whole, 0.46% and 0.42%, respectively. Significantly, the agency does project employment



in Seaside Park to grow at a faster clip, 0.66% annually, than the region overall, or 0.42%. This would translate to a net gain of 38 jobs located in Seaside Park.

**Table 42: Long-term Population, Household and Employment Forecasts**

Metric	Seaside Park	Ocean County	NJTPA
<b>2015 Population</b>	1,539	583,450	6,688,013
<b>2050 Population</b>	1,749	727,653	7,743,120
<b><i>Annualized % Population Change 2015-2050</i></b>	<b><i>0.36%</i></b>	<b><i>0.63%</i></b>	<b><i>0.42%</i></b>
<b>2015 Household</b>	834	223,780	2,444,799
<b>2050 Household</b>	934	273,651	2,868,943
<b><i>Annualized % Household Change 2015-2050</i></b>	<b><i>0.32%</i></b>	<b><i>0.58%</i></b>	<b><i>0.46%</i></b>
<b>2015 Employment</b>	150	166,005	2,910,458
<b>2050 Employment</b>	188	199,086	3,375,651
<b><i>Annualized % Employment Change 2015-2050</i></b>	<b><i>0.66%</i></b>	<b><i>0.52%</i></b>	<b><i>0.42%</i></b>

Source: NJTPA

# **Appendix B**

**Borough of Seaside Park**  
**Vacant Land Analysis (VLA) and Realistic Development Potential (RDP)**

**April 2025**

**Prepared by:**

**Kendra Lelie, PP, AICP, LLA**

**Kyle + McManus Associates**

**Introduction**

The Borough examined all vacant sites and underutilized sites that would create an opportunity for affordable housing if inclusionary development was implemented on the identified site.

**Identification of Vacant Land**

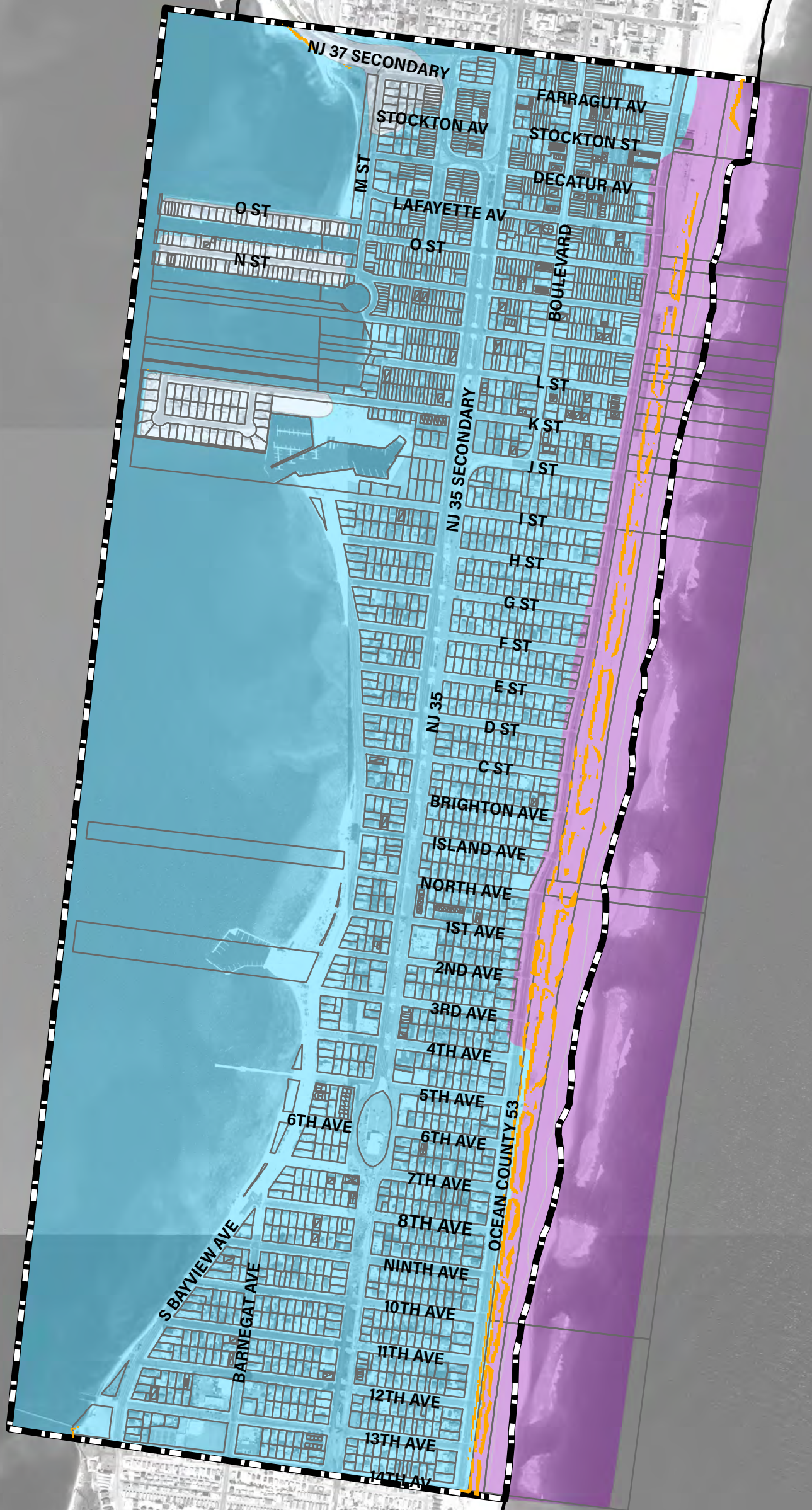
This inventory reviewed July 2023 MOD IV Tax Data records for Vacant (Property Class: 1) and Public (Property Class 15C) lands in the Borough. These sites were joined to available parcel data in a Geographic Information System (GIS) in order to review development capability and potential. The Borough then examined each parcel to evaluate its suitability as an affordable housing site.

**Permitted Exclusions**

COAH regulations (N.J.A.C. 5:93-4.2(c)) establish the criteria by which sites or portions of sites in a municipal vacant land inventory may be excluded from the calculation of the municipality's Realistic Development Potential (RDP). Environmentally sensitive areas may be excluded from consideration, including flood hazard areas, wetlands, and areas characterized by steep slopes (defined in COAH's regulations as slopes with a grade of greater than fifteen percent) that render a site or a portion of a site unsuitable for low and moderate income housing. In addition, small isolated lots having an insufficient acreage to generate an affordable housing set-aside as part of an inclusionary development may be excluded. Landlocked parcels or sites with limited or no access may also be excluded from the calculation of the RDP. Agricultural land may be excluded when the development rights to the land has been restricted by covenant. Historic and architecturally important sites may also be excluded if sites are listed on the State Register of Historic Places. Furthermore, properties identified on the Recreation and Open Space Inventory (ROSI) as part of the NJDEP Green Acres Program are also excluded.

**RDP Calculation and Conclusion**

All vacant parcels within the Borough are located in the flood hazard area which creates no developable acreage and therefore there is a zero (0) RDP. The attached table provided the existing vacant parcels and the attached map depicts the extent of the flood hazard area.



Clarke Caton Hintz



Architecture

Planning

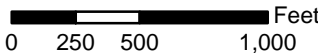
Landscape Architecture

SEASIDE PARK AFFORDABLE HOUSING

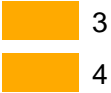
# Environmental Conditions

LOCATION:

Seaside Park, Ocean County, NJ



Steep Slopes

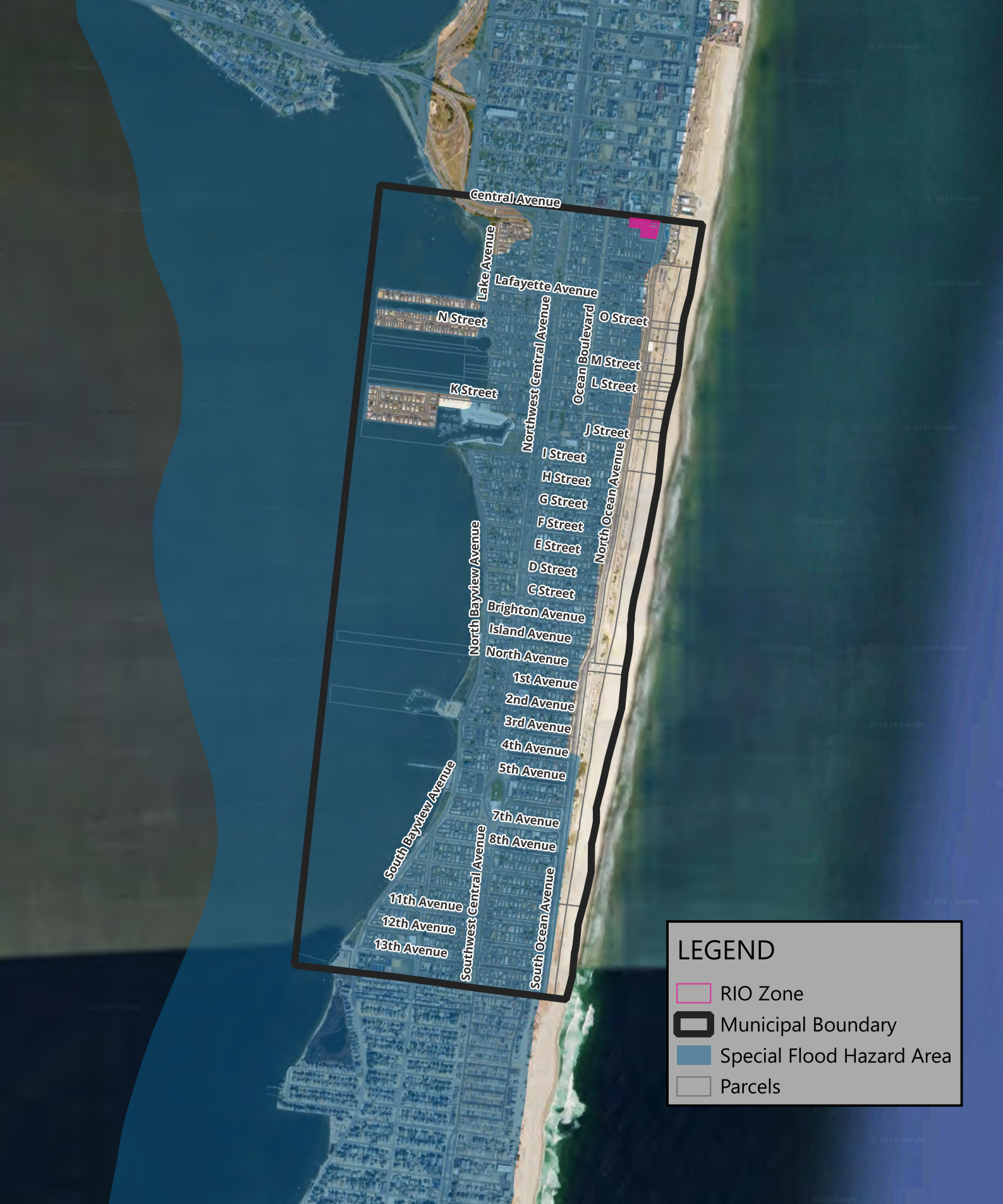


FEMA Flood Zones







Seaside Park Vacant Parcels				
Source: NJGIS & 2023 MODIV Data (last updated 11/15/2023)				
Block	Lot	Property Location	Area (Acres)	Developable Area (Acres)
49	8	40 G ST	0.112	0.000
11	29	1007 S OCEAN AVE	0.205	0.000
50	5	134 H ST	0.114	0.000
63	55	201 N ST	0.035	0.000
9	9	32 THIRTEENTH AVE	0.114	0.000
1	12	231 THIRTEENTH AVE	0.146	0.000
29	1,02	12 S BAYVIEW AVE	0.112	0.000
33	23	19 SECOND AVE	0.110	0.000
46	12.01	14 D ST	0.098	0.000
100	1	150-250 K ST	1.454	0.000
56	24	33-35 I ST	0.115	0.000
48	24	37 G ST	0.115	0.000
32	14	14 FOURTH AVE	0.146	0.000
63	13	295 N ST	0.056	0.000
22	10	30 EIGHTH AVE	0.111	0.000
52	3	110-112 J ST	0.115	0.000
57	3	62-64 I ST	0.148	0.000
22	3	704 SE CENTRAL AVE	0.080	0.000
25	1	410-14 SE CENTRAL AVE	0.205	0.000
32	27	315 S OCEAN AVE	0.119	0.000
35	14	14 FIRST AVE	0.111	0.000
36	24	13 ISLAND AVE	0.132	0.000
16	11	106 EIGHTH AVE	0.112	0.000
23	2	606-08 SE CENTRAL AVE	0.116	0.000
17	5	122 SEVENTH AVE	0.115	0.000
65	22	277 O ST	0.081	0.000
29	5	110 FIRST AVE	0.111	0.000
36	25.02	1 N OCEAN AVE	0.151	0.000
65	1.01	319 O ST	0.128	0.000
53.01	11	143 M ST	0.128	0.000
53.01	10	137 M ST	0.128	0.000
53.01	12	147 M ST RIP RTS	0.060	0.000
16	16	117 SEVENTH AVE	0.120	0.000
72	16	10-12 N ST	0.140	0.000
90	14	34 STOCKTON AVE	0.090	0.000
91	7	1912-14 BOULEVARD	0.095	0.000
91	24	1901-19 N OCEAN AVE	0.045	0.000
75	20	1519 N BAYVIEW AVE	0.153	0.000
97	20.03	N SIDE STOCKTON AVE	2.906	0.000
1.01	1	BAY BLVD & RT 37 SOUTH	0.005	0.000
95	1	I ST & BAYVIEW AVE	0.128	0.000
92.08	9	1ST TO NORTH & BAY AVE	0.021	0.000
97	3	OCEAN AVE	0.456	0.000
97	12	OCEAN AVE	0.222	0.000
97	10	OCEAN AVE	0.463	0.000
97	11	OCEAN AVE	0.223	0.000
62	1	M ST	1.278	0.000
92.01	2	THIRTEENTH TO 12TH & BAY	0.219	0.000
5.01	33	THIRTEENTH AVE	0.628	0.000
83	5	1905 NW CENTRAL AVE	0.099	0.000
52	47	BERKELEY QUAY	0.298	0.000
1	13	THIRTEENTH AVE	1.739	0.000
92	1	FOURTEENTH & BAYVIEW AV	0.860	0.000
102	2	BETWEEN N & O STS	0.514	0.000
99	1	6TH & CENTRAL AVE	1.748	0.000
97	4	OCEAN AVE	8.810	0.000
97	9	OCEAN AVE	0.420	0.000
97	6	OCEAN AVE	0.397	0.000
53.01	3	1105-15 BERKELEY LN	0.128	0.000
97	1	OCEAN AVE	2.368	0.000
53.01	4	L ST	0.057	0.000
52	1	143 K ST	3.815	0.000
5	18	1214 BARNEGAT AVE	0.220	0.000
5	17	BARNEGAT AVE	0.476	0.000
96	1	PORTER TO O ST	1.317	0.000
97	17	OCEAN AVE	0.350	0.000
2	14	WELFTH AVE (DPW GARAG	1.169	0.000
97	7	OCEAN AVE	0.642	0.000
97	13	OCEAN AVE	0.449	0.000
57	2	66 I ST	0.148	0.000
92.09	10.01	NORTH TO ISLAND AVES	3.906	0.000
97	8	OCEAN AVE	0.405	0.000
97	14	OCEAN AVE	0.433	0.000
92.05	6	FIFTH TO 4TH & BAY AVE	0.105	0.000
97	2	OCEAN AVE	8.959	0.000
92.07	8	SECOND TO 1ST & BAY AVE	0.037	0.000
30	11	9 NW CENTRAL AVE	0.008	0.000
92.02	3	EIGHTH TO 7TH & BAY AVE	0.038	0.000
101	1	BETWEEN M & N STS	2.429	0.000
57	22	J ST	0.194	0.000
57	16	39 J ST	0.304	0.000
97	5	OCEAN AVE	1.427	0.000
83	6	1909 NW CENTRAL AVE	0.066	0.000
83	7	1913 NW CENTRAL AVE	0.066	0.000
97	18	OCEAN AVE	3.502	0.000
92.03	4	SEVENTH TO 6TH & BAY AVE	0.666	0.000
51	1	SW CENTRAL & I ST MARINA	1.856	0.000
102	1	BETWEEN N & O STS	2.324	0.000
92.04	5	SIXTH TO 5TH & BAY AVE	0.289	0.000
97	15	1400 OCEAN AVE	1.112	0.000
92.03	4	SEVENTH TO 6TH & BAY AVE	0.194	0.000
97	16	OCEAN AVE	0.654	0.000
101	2	BETWEEN M & N STS	0.891	0.000
71	35	1311-15 N OCEAN AVE	0.059	0.000
89	22	1701 N OCEAN AVE	0.346	0.000
90	40	1801 N OCEAN AVE LOT #1	0.046	0.000
90	45	N OCEAN AVE	0.057	0.000
76	18	BAYVIEW & DECATUR AVES	0.046	0.000
74	1	N ST & LAKE AVE	0.013	0.000
76	6	127 DECATUR AVE	0.048	0.000
76	21.02	129 DECATUR AVE	0.156	0.000
76	21.01	1616 LAKE AVENUE	0.119	0.000

# Appendix C

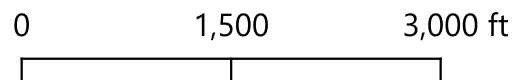


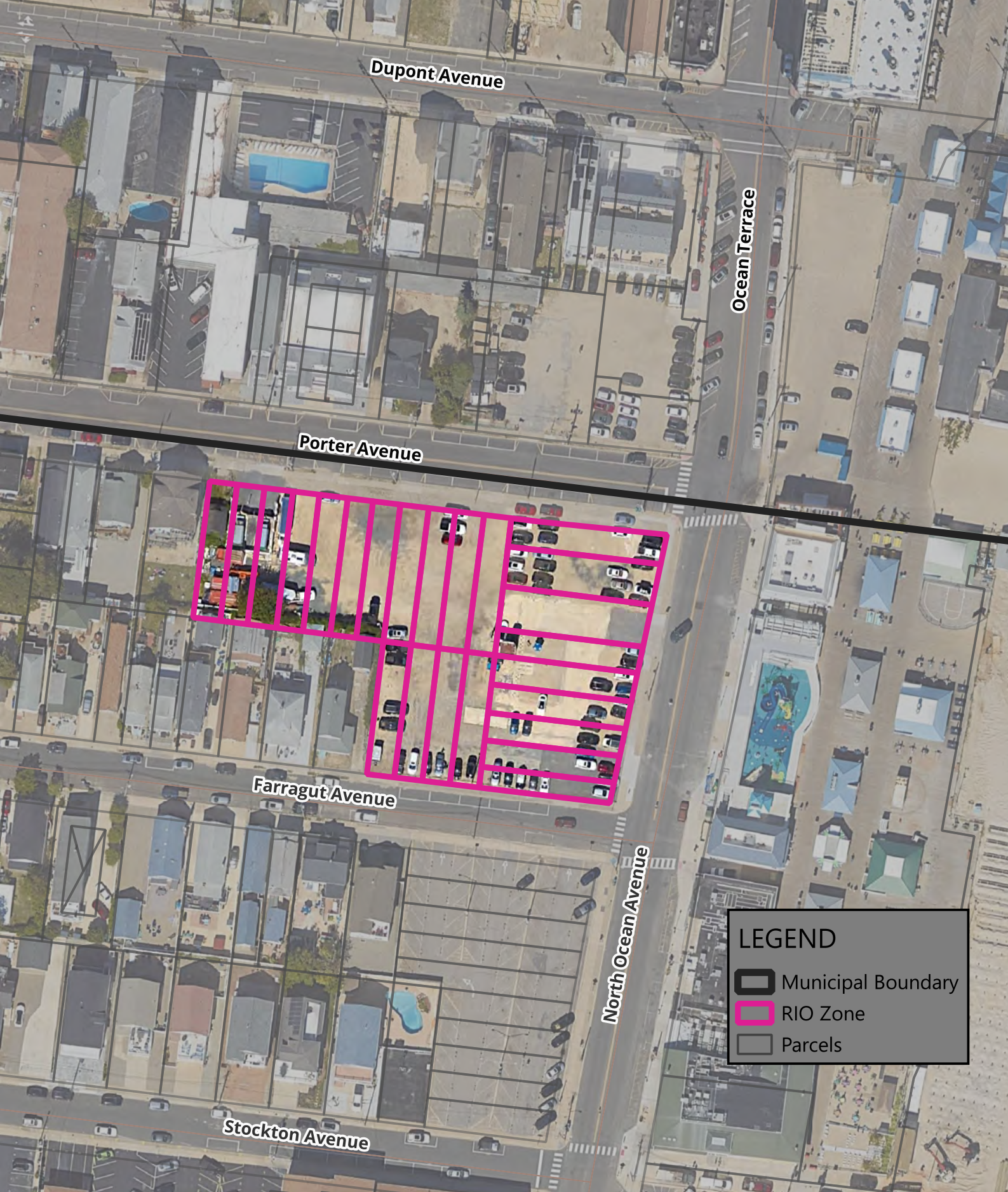
**LEGEND**

-  RIO Zone
-  Municipal Boundary
-  Special Flood Hazard Area
-  Parcels



**SPECIAL FLOOD HAZARD AREA**  
BOROUGH OF SEASIDE PARK | OCEAN COUNTY  
DATA SOURCES: Basemap, 2025, Google Earth;  
Flood Hazard Areas, 2025, FEMA; All Other GIS  
Data, 2025, NJ DEP





## RESIDENTIAL INCLUSIONARY OVERLAY (RIO) ZONE

**BLOCK 91, LOTS 24-27, 34-54**

BOROUGH OF SEASIDE PARK | OCEAN COUNTY

DATA SOURCES: Basemap, 2025, Google Earth;  
GIS Data, 2025, NJ DEP



0 100 200 ft

# Appendix D

RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON
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**WHEREAS**, on \_\_\_\_\_, the Seaside Park Borough’s Planning Board adopted a Housing Element and Fair Share Plan that addresses the Borough’s Prior Round, Third and Fourth Round “fair share” obligations; and

**WHEREAS**, on \_\_\_\_\_, the Borough Council held a properly-noticed public meeting to consider endorsing the Housing Element and Fair Share Plan adopted by the Planning Board on \_\_\_\_\_ and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region’s low- and moderate-income households to endorse said Housing Element and Fair Share Plan and to direct the Borough’s professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Judgment of Compliance and Repose approving said plan to protect the Borough from any Mount Laurel lawsuits; and

**WHEREAS**, pursuant to N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq., Seaside Park is required to appoint a Municipal Housing Liaison for administration of Seaside Park’s Affordable Housing Program to enforce the requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS**, Seaside Park will create an “Affordable Housing” ordinance, providing a section entitled, “Municipal Housing Liaison” to allow for the appointment of a Municipal Housing Liaison to administer Seaside Park’s Affordable Housing Program;

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Seaside Park Borough in the County of Ocean, and the State of New Jersey that Karen Kroon, Borough Administrator, is hereby appointed by the Governing Body of Seaside Park Borough as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Seaside Park Borough’s Code.

\_\_\_\_\_  
Municipal Clerk

## **RESOLUTION #**

### **A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SEASIDE PARK EXPRESSING ITS INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, on \_\_\_\_\_, the Seaside Park Borough Planning Board adopted a Housing Element and Fair Share Plan, which the Borough contends fully addresses the Borough's Prior Round, Third and Fourth Round "fair share" obligations; and

**WHEREAS**, on \_\_\_\_\_, the Borough Council held a properly-noticed public meeting to consider endorsing the Housing Element and Fair Share Plan adopted by the Planning Board on \_\_\_\_\_ and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region's low- and moderate-income households to endorse said Housing Element and Fair Share Plan and to direct the Borough's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Judgment of Compliance and Repose approving said plan to protect the Borough from any unnecessary Mount Laurel lawsuits; and

**WHEREAS**, the Borough's Housing Element and Fair Share Plan includes a number of compliance mechanisms, such as a potential future 100% affordable housing project and the required affordability assistance program;

**WHEREAS**, pursuant to the State's affordable housing regulations and policies, in order to assure the creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan, the Borough must demonstrate adequate and stable funding sources; and

**WHEREAS**, since the Borough is committed to securing judicial approval of its Affordable Housing Plan, in order to provide an adequate and stable funding source for the

components of the Borough's Housing Element and Fair Share Plan, the Borough shall rely on the funds in its Affordable Housing Trust Fund, established by its Development Fee Ordinance; and

**WHEREAS**, if -- after exhausting every potential funding source and every valid compliance technique -- the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations without being forced to raise or expend municipal revenues in order to provide low- and moderate-income housing, the Borough will cover such costs through bonding and/or other legal means; and

**WHEREAS**, the Court has indicated its intent to review the Borough's Housing Element and Fair Share Plan, and the Borough wishes to leave no question as to the Borough's intent to cover the cost of implementing its Housing Element and Fair Share Plan or any modification thereof that may be necessary as a result of the Court's review.

**NOW, THEREFORE, BE IT RESOLVED** by Council of the Borough of Seaside Park, County of Monmouth, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the affordable housing in its Housing Element and Fair Share Plan, Seaside Park Borough shall make a *bona fide*, diligent, and good faith effort to exhaust the potential funding sources;
2. The Borough shall also maximize use of the funds from its Development Fee Ordinance to facilitate the economic feasibility of the Borough's Housing Element and Fair Share Plan; and
3. If, after exhausting every potential funding source and from the Development Fee Ordinance, the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations, the Borough will fully fund any gaps in financing including by bonding if necessary, to assure the economic feasibility of the affordable compliance

techniques included in the Borough's 2025 Prior, Third and Fourth Round Housing Element and Fair Share Plan.

4. The Borough reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

I, \_\_\_\_\_, Borough Clerk of the Borough of Seaside Park, hereby certifies that the foregoing resolution was duly adopted by the Council of said Borough at a meeting held on \_\_\_\_\_.

# Appendix E

**Ordinance No. \_\_\_\_\_**  
**Development Fee Ordinance**  
**Borough of Seaside Park, Ocean County**

AN ORDINANCE CREATING CHAPTER 459 "DEVELOPMENT FEES" OF THE  
BOROUGH OF SEASIDE PARK TO PROVIDE FOR THE COLLECTION OF  
DEVELOPMENT FEES  
IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED  
BY THE NEW JERSEY FAIR HOUSING ACT

WHEREAS, In Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans;

BE IT ORDAINED by the Mayor and Council of the Borough of Seaside Park, Ocean County, New Jersey, that the Code of the Borough of Seaside Park is hereby amended to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

150-18.      Purpose

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

150-19.      Basic Requirements

- A.      This Ordinance shall not be effective until approved by the Court.

B. The Borough of Seaside Park shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

150-20. Definitions

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

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

“Development fee” means money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and regulated by applicable COAH Rules.

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

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

“Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

150-21. Residential Development Fees

A. Imposition of Fees

1) Within the Borough of Seaside Park, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one percent (1%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

2) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

**B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments**

1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Seaside Park, shall be exempt from the payment of development fees.

2) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance and any preceding Ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.

3) Any repair, reconstruction, structural alterations or improvement of a structure.

4) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

5) Federal, state, county and local governments shall be exempted from paying a development fee.

6) Homes replaced as a result of a natural disaster, fire or flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

**5. Non-Residential Development Fees**

**A. Imposition of Fees**

1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

**B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development**

1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.

2) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

3) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

4) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Seaside Park as a lien against the real property of the owner.

5) Federal, state, county and local governments constructing nonresidential housing shall be exempted from paying a development fee.

6. Collection Procedures

A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.

B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the Borough of Seaside Park 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 (C.40:55D-8.6).

H. Except as provided in Section 5.A.3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the 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 the Borough of Seaside Park. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

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

7. Affordable Housing Trust Fund

A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Seaside Park for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Seaside Park;

2) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

3) Rental income from municipally operated units;

4) Repayments from affordable housing program loans;

5) Recapture funds;

6) Proceeds from the sale of affordable units; and

7) Any other funds collected in connection with Seaside Park's affordable housing program.

C. In the event of a failure by the Borough of Seaside Park to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Seaside Park, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

## 8. Use of Funds

A. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Seaside Park's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the Borough of Seaside Park for past housing activities.

C. At least 30 percent of all development fees collected and interest earned on such fees 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 very low-income households earning 30 percent or less of the regional median household income by household size for Housing Region 4, in which Seaside Park is located.

1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

2) Affordability assistance to households earning 30 percent or less of the regional median household income by household size 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 percent or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.

3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Seaside Park, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough of Seaside Park may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

E. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.

2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

9. Monitoring

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

10. Ongoing Collection of Fees

A. The ability for the Borough of Seaside Park to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Borough of Seaside Park has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

B. If the Borough of Seaside Park fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

C. The Borough of Seaside Park shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Borough of Seaside Park retroactively impose a development fee on such a development. The Borough of Seaside Park also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

**BOROUGH OF SEASIDE PARK**  
**AFFORDABLE HOUSING ORDINANCE**

**ORDINANCE #**

**An Ordinance Creating Chapter 461, In The Seaside Park Borough Code, Which Will Now Be Entitled Article III “Affordable Housing Regulations”, And Will Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The Borough’s Affordable Housing Obligations**

**NOW, THEREFORE**, be it ordained by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

**Section 1. Chapter 461** of the Code of the Borough of Seaside Park is hereby to read as follows:

**ARTICLE I: AFFORDABLE HOUSING REGULATIONS**

**1. Purpose.**

- a. This Section is intended to assure that very-low, low-, and moderate-income units ("affordable units") are created with controls on affordability and that very-low, low-, and moderate-income households shall occupy these units. This Section shall apply except where inconsistent with applicable law.
- b. The Borough of Seaside Park Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. (hereinafter “Fair Share Plan”). The Fair Share Plan was endorsed by the Borough Council. The Fair Share Plan describes how the Borough of Seaside Park shall address its fair share of very-low, low-, and moderate-income housing as documented in the Fair Share Plan.
- c. The Borough of Seaside Park shall track the status of the implementation of the Fair Share Plan.

**2. Monitoring and Reporting Requirements.**

- a. The Borough of Seaside Park shall comply with the monitoring and reporting requirements in accordance with the Superior Court-approved Housing Element and Fair Share Plan.

**3. Definitions.**

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

“Act” means the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)..

“Accessory Apartment” shall mean 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.

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for administering the affordability controls of this subchapter with respect to specific restricted units, as designated pursuant to N.J.S.A. 52:27D-321 and N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of regional median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Borough’s Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in the Borough’s Fair Share Plan prepared or implemented to address the Borough’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Superior Court.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 through 44), in, but not of, DCA.

“Age-restricted unit” means a housing unit designed to meet the needs of, and intended exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

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

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a very-low-income household, a low-income household or a moderate-income household.

“COAH” means the the Council on Affordable Housing established in, but not of, DCA by the Act and that was abolished effective March 20, 2024 by section 3 of P.L. 2024, c.2 (N.J.S.A. 52:27D-304.1)..

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

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

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

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

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services in DCA.

“Continuum of Care” or “CoC” means one of the 16 local planning bodies in New Jersey that coordinate service providers and other interested parties to prevent and end homelessness, as authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11431 through 11435.

“County-level housing judge” means a judge appointed pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2), to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal fair share plans and housing elements with the Act.

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D- 304.2b.

“Inclusionary development” means 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 non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median-income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a income in excess of 50 percent but less than 80 percent of the regional median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Municipal Housing Liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners 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.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Price differential” means the difference between the controlled sale price of a restricted unit and the fair market value of the unit minus reasonable real estate broker fees, determined as of the date of a proposed contract of sale for the unit.

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit or another purpose allowed pursuant to N.J.A.C. 5:80-26.17(k)3.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to an assisted living residence, rent does not include charges for food and services.

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

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

“Very-low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income.

“Very-low-income unit” means a restricted unit that is affordable to a very low-income household.

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

#### **4. Applicability.**

- a. The provisions of this Section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Seaside Park pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- b. This Section shall apply to all developments that contain very-low, low-and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units.

#### **5. Alternative Living Arrangements**

- a. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - 1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - 2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- b. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- c. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

#### **6. Phasing Schedule for Inclusionary Developments.**

For all inclusionary developments, the following phasing schedule shall be followed:

Maximum Percentage of Market-Rate  
Units Completed

Minimum Percentage of Low- and  
Moderate-Income Units Completed

25	0
25+1	10
50	50
75	75
90	100

## 7. New Construction.

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

- 1) The fair share obligation shall be divided equally between low and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least thirteen percent (13%) of all restricted rental units within each bedroom distribution shall be very-low-income units (affordable to a household earning thirty percent (30%) or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development. At least fifty percent (50%) of the very-low-income units must be available to families.
- 2) At least twenty-five percent (25%) of the obligation shall be met through rental units, including at least half in rental units available to families.
- 3) A maximum of twenty-five percent (25%) of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's plan shall be available to families.
- 4) In each affordable development, at least fifty percent (50%) of the restricted units within each bedroom distribution shall be very-low or low-income units including that thirteen percent (13%) shall be very-low income.
- 5) Affordable developments that are not age-restricted or supportive housing shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one (1) bedroom units shall be no greater than twenty percent (20%) of the total low and moderate-income units;
  - (b) At least thirty percent (30%) of all low and moderate-income units shall be two (2) bedroom units;
  - (c) At least twenty percent (20%) of all low and moderate-income units shall be three (3) bedroom units; and
  - (d) The remaining units may be allocated among two (2) and three (3) bedroom units at the discretion of the developer and the Borough.

- 6) Affordable developments that are age-restricted or supportive housing shall be structured such that the number of bedrooms shall equal the number of age-restricted low and moderate-income units within the inclusionary development. This standard may be met by having all one (1) bedroom units or by having a two (2) bedroom unit for each efficiency unit.

b. Accessibility Requirements:

- 1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.
- 2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one (1) other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor; and
  - (b) An adaptable kitchen on the first floor; and
  - (c) An interior accessible route of travel on the first floor; and
  - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (e) If all of the foregoing requirements in paragraphs 2)(a) through 2)(d) above cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2)(a) through 2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Seaside Park has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:
    - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - (2) To this end, the builder of restricted units shall deposit funds into the Borough of Seaside Park's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.

- (3) The funds deposited under Paragraph (f) above shall be used by the Borough of Seaside Park 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.
- (4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Seaside Park for the conversion of adaptable to accessible entrances.
- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

c. Design:

- 1) For any 100-percent affordable development comprising one or more restricted units:
  - a. 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 applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever is greater;
  - b. Each bedroom in each restricted unit must have at least one window; and
  - c. Restricted units must include adequate air conditioning and heating;
- 2) For developments comprising market-rate rental units and restricted rental units:
  - a. Restricted units must use the same building standards (for example, plumbing, insulation, siding) as market-rate units of the same unit type (for example, flat, townhome) within the same development, except that restricted units and market-rate units may use different interior finishes;
  - b. 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;

- c. 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;
  - d. 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;
  - e. Restricted units must include adequate air conditioning and heating and, if market-rate units provide cooling and heating, restricted units must use the same type of cooling and heating sources as market-rate units of the same unit type;
  - f. Each bedroom in each restricted unit must have at least one window;
  - g. Restricted units must be of the same unit type (for example, flat, townhome) as market-rate units within the same building; and
  - h. Restricted units must be of at least the same size as the most common market-rate unit(s) of the same type and bedroom count within the same development, but under no circumstances shall any restricted unit or bedroom be less than 90 percent of the minimum size prescribed by the applicable municipal code or Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever prescribes the greater minimum size;
3. For developments containing for-sale units, including those with a mix of rental and for-sale units, subsection (b)2 above shall govern the rental units, while for-sale units shall adhere to the following:
- a. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, single-family home), except that restricted units and market-rate units may use different interior finishes;
  - b. 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;
  - c. Restricted units may be of different housing product types than market-rate units, provided that developments containing market-rate townhomes or single-family homes offer restricted housing options that also include townhomes or single-family homes;

- d. 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 applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever provides the greater minimum square footages;
  - e. 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);
  - f. 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;
  - g. Each bedroom in each restricted unit must have at least one window; and
  - h. Restricted units must include adequate air conditioning and heating.
- d. Maximum Rents and Sales Prices:
- 1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC.
  - 2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty percent (60%) of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two percent (52%) of median income.
  - 3) The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen percent (13%) of all low and moderate-income rental units shall be affordable to very-low-income households, earning thirty percent (30%) or less of the regional median household income, which very-low-income units shall be part of the low-income requirement.
  - 4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy percent (70%) of median income, and each affordable development must achieve an affordability average of fifty-five percent (55%) for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three (3) different sales prices for each bedroom type, and low-income ownership units must be available for at least two (2) different sales prices for each bedroom type.

- 5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one (1) person household;
  - (b) A one (1) bedroom unit shall be affordable to a one and one-half (1.5) person household;
  - (c) A two (2) bedroom unit shall be affordable to a three (3) person household;
  - (d) A three (3) bedroom unit shall be affordable to a four and one-half (4.5) person household; and
  - (e) A four (4) bedroom unit shall be affordable to a six (6) person household.
- 6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one (1) person household;
  - (b) A one (1) bedroom unit shall be affordable to a one and one-half (1.5) person household; and
  - (c) A two (2) bedroom unit shall be affordable to a two (2) person household or to two (2) one (1) person households.
- 7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five percent (95%) of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight percent (28%) of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.5 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.
- 8) The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty percent (30%) of the eligible monthly income of the appropriate size household, including an allowance for tenant-paid utilities, as determined under N.J.A.C. 5:80-26.5, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

- 9) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within thirty (30) days of the publication of determinations of median income by HUD as follows:
- (a) The income limit for a moderate-income unit for a household of four shall be eighty percent (80%) of the HUD determination of the median income for Housing Region 4 for a family of four. The income limit for a low-income unit for a household of four shall be fifty percent (50%) of the HUD determination of the median income for Housing Region 4 for a family of four. The income limit for a very low-income unit for a household of four shall be thirty percent (30%) of the HUD determination of the median income for Housing Region 4 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.
  - (b) 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:
    - 1. For each county in the housing region, multiply HUD's determination of the county's "median family income" for a family of four by the Decennial Census's estimated number of households within the county;
    - 2. Add the resulting products for each county within the housing region, then divide the sum by the summed total estimated number of households in the housing region. Round the resulting quotient up to the nearest multiple of 100 to obtain the regional median income for a household of four; and
    - 3. To compute the regional median income for other household sizes, multiply the regional weighted average by the percentage adjustment factors used by HUD in the Section 8 program, then round each percentage-adjusted regional weighted average up to the nearest multiple of 100.
  - (c) To calculate the regional income limits, multiply the relevant percentage by the regional median income for the relevant household size. For example, the regional income limit for a four-person low-income household is equal to 50 percent of the regional median income for a four-person household, while the regional income limit for a one-person very-low-income household is equal to 30 percent of the regional median income for a one-person household.
  - (d) 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.

## **8. Utilities.**

- a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

## **9. Occupancy Standards.**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- a. Ensure each bedroom is occupied by at least one person, except for age-restricted units;
- b. Provide a bedroom for every two adult occupants;
- c. Provide a bedroom for every occupant under the age of 18, unless the household requests a different arrangement, which 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.

## **10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- a. Control periods for restricted ownership units must be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented. Each restricted rental unit must remain subject to the requirements of this subchapter until the end of the control period specified in the unit deed restriction, unless the unit's restriction is extinguished in compliance with (e) below or extended in compliance with (f) below. A restricted rental unit must remain subject to the requirements of this subchapter for a period of at least 40 years; provided, however, that the control period of any unit that, prior to December 20, the effective date of the amendments to this subchapter as promulgated pursuant to P.L. 2024, c.2 (N.J.S.A. 52:27D-304.1), received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof will be governed by such grant of substantive certification, judgment, grant agreement, or contract.
  1. Rental units created on or after January 1, 2025, and which are subject to affordability controls for low- and/or moderate-income families pursuant to this subchapter are subject to a deed restriction of not less than 40 years.

2. Any project composed entirely of rental units subject to the affordability controls of this section that does not participate in a State-administered preservation program may elect to extinguish the existing deed restriction beginning 30 years following the start of the deed restriction, regardless of original length, provided that the project enters into a new deed restriction of at least 30 years and that the project has applied for and obtained a refinancing and/or has commenced an approved rehabilitation for the purpose of preservation.
  3. Any project composed entirely of rental units subject to the affordability controls of this section that participates in a State-administered preservation program may elect to extinguish the existing deed restriction prior to the 30th year, regardless of original length, provided that the project enters into a new deed restriction that, in combination with the original deed restriction, totals at least 60 years.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
  - c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
  - d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Section, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
  - e. The affordability controls set forth in this Section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
  - f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.6(a), as may be amended and supplemented.

#### **11. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.**

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

- a. The initial purchase price for a restricted ownership unit shall be approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- b. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- c. The master deeds and Declarations of Covenants and Restrictions for of inclusionary developments may not distinguish between the 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 purchasers. Condominium or homeowner association fees and special assessments charged to affordable units shall be based on the common interest percentage and the full build-out budget. Affordable units in a condominium or homeowner association 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.
- d. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

## **12. Buyer Income Eligibility.**

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that very-low-income ownership units are reserved for households with a household income less than or equal to 30 percent of regional median income, low-income ownership units are reserved for households with a household income less than or equal to fifty percent (50%) of regional median income, and moderate-income ownership units are reserved for households with a gross household income less than eighty percent (80%) of regional median income.
- b. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a very-low-income household, a low-income household, or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-five percent (35%) of the household's eligible monthly income.

## **13. Limitations on Indebtedness Secured by Ownership Units; Subordination.**

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Borough's Administrative Agent, or an Administrative Agent appointed by

a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.

- b. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five percent (95%) of the maximum allowable resale price of the unit, as such price is determined by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.7(c).

#### **14. Capital Improvements To Ownership Units.**

- a. The owner of a restricted ownership unit may apply to the Borough's Administrative Agent to increase the maximum sales price for the unit to reflect eligible capital improvements made since the purchase of the unit. Eligible capital improvements are limited to those that render the unit suitable for a larger household or that add an additional bathroom. However, the maximum sale price of an improved housing unit may not exceed the limits of affordability for the larger household.
- b. 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) are 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10) year, straight-line depreciation, has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### **15. Control Periods for Restricted Rental Units.**

- (a) Each restricted rental unit must remain subject to the requirements of this subchapter until the end of the control period specified in the unit deed restriction, unless the unit's restriction is extinguished in compliance with (d) below or extended in compliance with (e) below. A restricted rental unit must remain subject to the requirements of this subchapter for a period of at least 40 years; provided, however, that the control period of any unit that, prior to December 20, 2024, the effective date of the amendments to this N.J.A.C. 5:80-26.1 et seq,

as promulgated pursuant to P.L. 2024, c.2 (N.J.S.A. 52:27D-304.1), received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof will be governed by such grant of substantive certification, judgment, grant agreement, or contract.

1. Rental units created on or after January 1, 2025, and which are subject to affordability controls for low- and/or moderate-income families pursuant to this subchapter are subject to a deed restriction of not less than 40 years.
  2. Any project composed entirely of rental units subject to the affordability controls of this section that does not participate in a State-administered preservation program may elect to extinguish the existing deed restriction beginning 30 years following the start of the deed restriction, regardless of original length, provided that the project enters into a new deed restriction of at least 30 years and that the project has applied for and obtained a refinancing and/or has commenced an approved rehabilitation for the purpose of preservation.
  3. Any project composed entirely of rental units subject to the affordability controls of this section that participates in a State-administered preservation program may elect to extinguish the existing deed restriction prior to the 30th year, regardless of original length, provided that the project enters into a new deed restriction that, in combination with the original deed restriction, totals at least 60 years.
- b. Deeds of all real property that include restricted rental units must contain deed restriction language that conforms with the requirements of N.J.A.C. 5:80-26.1, which governs the terms of deed restrictions regardless of the language ultimately utilized in the recorded deed restriction document. No terms, whether intentional or unintentional, that circumvent the requirements of N.J.A.C. 5:80-26.1 may be enforced. All deed restrictions must be read in accordance with the requirements of N.J.A.C. 5:80-26.1. Any terms that directly conflict with the requirements of N.J.A.C. 5:80-26.1 are of no legal effect, are contrary to the public policy of the State, and may be stricken only by an application to the Dispute Resolution Program or a county-level housing judge. Deed restrictions are severable, such that invalidation of any provision due to inconsistency with these regulations will not terminate the deed restriction, but, rather, the deed restriction will be read to include the provision of these regulations with which the original language was inconsistent. The deed restriction has priority over all mortgages on the property. The developer or seller shall file the deed restriction with the records office of the County of Ocean. The deed shall also identify each affordable unit by apartment number and/or address whether that unit is designated as a very-low, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Borough's Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy. Under no circumstances may a developer or seller be excused from any requirements of these regulations because of a failure to record the deed restriction. If a development is sold by a developer prior to recording the deed restrictions, the buyer is not excused from adhering to the requirements of this subchapter and any recourse shall be to

recover from the seller rather than seeking to extinguish any affordability controls of the development.

- c. A restricted rental unit shall remain subject to the affordability controls described in this Section despite the occurrence of any of the following events:
  - 1) Sublease or assignment of the lease of the unit;
  - 2) Sale or other voluntary transfer of the ownership of the unit; or
  - 3) The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure on the property containing the unit.
  - 4) The release from affordability restrictions at the end of the affordability control period, until occupancy by the first new tenant subsequent to the release of controls.
- d. Restricted rental units will be released from affordability restrictions at the end of the affordability control period, subject to the limitations in (b) above, unless the municipality exercises the right of first refusal to extend the affordability control period for the restricted rental units. To exercise the right of first refusal, the municipality must:
  - 1) No later than 180 days prior to the end of the affordability control period, elect to extend the affordability control period pursuant to a municipal ordinance authorizing such elections;
  - 2) Issue a new deed restriction extending the control period for not less than 30 years or, if the original control period and extended control period, in combination, total at least 60 years, then not less than 20 years;
  - 3) If permitted by the relevant statute, grant or extend an agreement for payment in lieu of taxes pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., or pursuant to N.J.S.A. 55:14K-37(b); and
  - 4) To support the preservation, contribute:
    - i) At least \$12,000 per restricted unit from the municipal affordable housing trust fund, if an agreement for payment in lieu of taxes has been granted or extended; or
    - ii) At least \$17,500 per restricted unit from the municipal affordable housing trust fund, if no agreement for payment in lieu of taxes has been granted or extended; or
    - iii) Any other assistance not less than the equivalent of \$10,000 per restricted unit, if the assistance was approved pursuant to N.J.S.A. 52:27D-329.2(4) as part of the municipality's compliance certification or by DCA, and if the assistance is consistent with the municipality's housing element and fair share plan.

## **16. Rent Restrictions for Rental Units; Leases.**

- a. The administrative agent shall set the initial rent for a restricted rental unit. If the unit is receiving assistance pursuant to the AHTF, the initial rent must be consistent with the AHTF grant agreement. The initial rent must be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.5; provided, however, that the rent is subject to the affordability average requirement at N.J.A.C. 5:80-26.4.
- b. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, 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." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this subsection, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.
- c. Approved initial rents are fixed as of the start of the property's initial lease-up. Municipal Housing Liaison-adopted increases may not be implemented during lease-up. Each new, separately-financed phase of a project may seek MHL approval to use the then-effective initial rents, provided that the lease-up of the phase will occur at least 12 months after the prior phase was placed in service. Rents may not be increased more than once a year or by more than one MHL-approved increment at one time. Rents may not be increased at the time of a new occupancy if the new occupancy occurs within one year of the last occupancy and prior to the next published MHL-approved increase. No additional fees, operating costs, or charges may be added to the approved rent (except in the case of units in assisted living residences, for the customary charges for food and services) without the express written approval of the administrative agent. Operating costs for the purposes of this section include certificate of occupancy fees, move-in fees, move-out fees, and on-site parking or parking deck fees. Any fee structure that would remove or limit affordable renters' access to any amenities or services that are required or included for market-rate renters is prohibited. Application fees (including the charge for any credit check) may not exceed five percent of the monthly rent of the applicable restricted unit and are payable to the administrative agent to be applied to the costs of administering the controls in this subchapter as applicable to the unit. Fees for truly optional, unit-specific, non-communal items that are charged to market-rate 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 be charged to affordable tenants, if applicable. Pet fees may not exceed \$30 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited. Fees

for other optional, unit-specific, non-communal items may not exceed the amounts charged to market-rate tenants.

- d. A written lease shall be required for all restricted rental units, except for units in assisted living residences. Final lease agreements are the responsibility of the landlord and the prospective tenant. Tenants are responsible for security deposits and the full amount of the rent as stated on the lease. All lease provisions [must comply with applicable law. The landlord shall provide the administrative agent with sufficient information for preparation of a unit inventory form for entry into the centralized affordable housing unit inventory system. A copy of the current lease for each restricted rental unit shall be provided to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- e. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen percent (15%) of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### **17. Tenant Income Eligibility.**

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - 1) Very-low-income rental units are reserved for households with a gross household income less than or equal to thirty percent (30%) of the regional median household income by household size.
  - 2) Low-income rental units are reserved for households with a gross household income less than or equal to fifty percent (50%) of the regional median household income by household size.
  - 3) Moderate-income rental units are reserved for households with a gross household income less than eighty percent (80%) of the regional median household income by household size.
- b. The Borough's Administrative Agent, or a qualified Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, a low-income household, or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five percent (35%) (forty percent (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:
  - 1) The household currently pays more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- 2) The household has consistently paid more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - 3) The household is currently in substandard or overcrowded living conditions;
  - 4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - 5) The household documents 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.
- c. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in b.1) through b.5) above with the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

#### **18. Municipal Housing Liaison.**

- a. The position of Municipal Housing Liaison (MHL) for the Borough of Seaside Park pursuant to N.J.A.C. 5:99-6. The Borough shall make the actual appointment of the MHL by means of a resolution.
  - 1) The MHL must be either a full-time or part-time employee of Seaside Park.
  - 2) The person appointed as the MHL must be reported to the Superior Court and thereafter posted on the Borough's website.
  - 3) The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by the Division.
  - 4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Seaside Park, including the following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:
    - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - (b) The implementation of the Affirmative Marketing Plan and affordability controls;
    - (c) When applicable, supervising any contracting Administrative Agent;
    - (d) Monitoring the status of all restricted units in the Borough's Fair Share Plan;

- (e) Compiling, verifying and submitting annual reports as required;
  - (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- b. Subject to the approval of the Superior Court, the Borough of Seaside Park shall designate one (1) or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Section.

#### **19. Administrative Agent.**

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Borough, or reporting to a specific individual developer. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Borough Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The administrative agent shall also fulfill the responsibilities [of the administrative agent are the following:] identified at N.J.A.C. 5:99-7.2. Pursuant to N.J.A.C. 5:99, the administrative agent shall have the authority to discharge and release any or all instruments, as set forth at the appendices of this subchapter, filed of record to establish affordability controls.

#### **20. Affirmative Marketing Requirements.**

- a. The Borough of Seaside Park shall adopt by resolution an Affirmative Marketing Plan that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- b. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward COAH Housing Region 4 and is required to be followed throughout the period of restriction.
- c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 4, comprised of Ocean, Hudson, Passaic and Sussex. Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey;

- d. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and re-sales and re-rentals. The Borough's Administrative Agent designated by the Borough of Seaside Park, or any Administrative Agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- e. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall provide a list of counseling services to very-low, low, and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- f. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall consider the use of language translations where appropriate.
- g. The affirmative marketing process for available affordable units shall begin at least one hundred and twenty days (120) prior to the expected date of occupancy.
- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; and the municipal building in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- i. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

## **21. Enforcement of Affordable Housing Regulations.**

- a. By accepting State funds for affordable housing purposes, or by seeking or receiving a compliance certification, a municipality shall be deemed to have delegated to its administrative agent the day-to-day responsibility for implementing practices and procedures designed to ensure effective compliance with the controls set forth in this subchapter. However, the municipality, through the Municipal Housing Liaison designated and approved pursuant to N.J.A.C. 5:99, shall retain the ultimate responsibility for ensuring effective compliance with this subchapter. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer, or Tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Borough may take the following action(s) against the Owner, Developer or

Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:

- 1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Superior Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one (1) or more of the following penalties, at the discretion of the Court:
  - (a) A fine of not more than two thousand dollars (\$2,000.00) per day or imprisonment for a period not to exceed ninety (90) days, or both, 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;
  - (b) In the case of an Owner who has rented a very-low, low or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Seaside Park Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - (c) In the case of an Owner who has rented a very-low, low or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- 2) The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the low and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his 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- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough 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 Borough 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 Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such

surplus, if any, shall be placed in escrow by the Borough for the Owner and shall be held in such escrow for a maximum period of two (2) years or until such earlier time as the Owner shall make a claim with the Borough for such. Failure of the Owner to claim such balance within the two (2) year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the Owner or forfeited to the Borough.

- (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low, 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 Borough may acquire title to the very-low, low and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very-low, low and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

Failure of the very-low, low and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Borough, with such offer to purchase being equal to the maximum resale price of the very-low, low and moderate-income unit as permitted by the regulations governing affordable housing units.

- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.
- 3) The owner of a development 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, together with the telephone number, mailing address, and email address of the administrative

agent to whom complaints of excess rent can be issued; and

- (b) Promptly provide to the administrative agent, upon the latter of either final municipal land use approval or issuance of a grant contract by a governmental authority, as well as upon receipt of the certificate of occupancy:
- (c) The total number of units in the project and the number of affordable units, broken down by bedroom count, identifying which are very-low-income, low-income, and moderate-income units, and including street addresses of affordable units;
- (d) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof;
- (e) A project map identifying the location of affordable units and market-rate units;
- (f) A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;
- (g) A projected construction schedule;
- (h) Proposed pricing for all units, including any purchaser options and add-on items;
- (i) A list of all public funding sources and copies of grant or loan agreements for those sources;
- (j) Condominium or homeowner association fees and any other applicable fees;
- (k) Estimated real property taxes for for-sale units;
- (l) Sewer, water, trash disposal, and any other utility assessments;
- (m) Flood insurance requirement, if applicable;
- (n) A description of all HVAC systems;
- (o) The location of any common areas and elevators;
- (p) A proposed form of lease for any rental units;
- (q) 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; and

- (r) The State-approved Planned Real Estate Development public offering statement and/or master deed, where applicable.
- 1. 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 re-leased 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 or landlord has not complied with these regulations, it shall report this activity to the Division. If a developer or landlord or property manager has been found to have intentionally violated any terms of these regulations, including by keeping a unit vacant, the developer or property manager shall be fined up to the amount required to construct a comparable affordable unit of the same size and the deed restriction 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.

## **22. Household certification and referral**

(a) The administrative agent shall secure all information from applicant households necessary and appropriate to determine that restricted units are occupied by properly sized households of low- or moderate-income. No household may be referred to a restricted unit or receive a commitment with respect to a restricted unit unless that household has received a signed and dated certification and has executed a certificate in the form set forth at Appendix J or K within N.J.A.C. 5:80-26.1 et al..

(b) The administrative agent shall prepare a standard form of certification and shall sign and date one such certification for each household when certified. An initial certification is valid for no more than 180 days unless a valid contract for sale or lease has been executed within that time period. In such event, the certification is valid until such time as the contract for sale or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for an additional period of 180 days at the discretion of the administrative agent. The administrative agent must provide applicant households a minimum of 10 business days from the date of initial request for information to produce documentation necessary for certification. The administrative agent shall transmit notice to each applicant household as to whether certification has been granted or denied, including the reason(s) for denying certification, if any, no later than five business days after determining the household's eligibility.

- 1. When reviewing an applicant household's income to determine eligibility, the administrative agent shall compare the applicant household's annual income to the regional

low- and moderate-income limits calculated pursuant to N.J.A.C. 5:80-26.3. For the purposes of this subchapter, the administrative agent shall determine household income in accordance with the procedure for calculating annual income at the time of initial occupancy and assistance, stipulated at 24 CFR § 5.609, as it may be updated from time to time, and described in Chapter 5 of HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, which is available at [https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/hsg/4350.3..](https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsg/4350.3..)

2. Household income is calculated by projecting current gross income over a 12- month period.

3. The administrative agent shall deny the certificate of eligibility if the applicant household meets income eligibility requirements but possesses net household assets valued at an amount greater than the net asset limit, defined as the estimated median home equity held by New Jersey homeowners as determined annually by the United States Census Bureau's Survey of Income and Program Participation and published by the Census Bureau in "State- Level Wealth, Asset Ownership & Debt of Households Tables" in the "Wealth and Asset Ownership Data Tables" series, available at <https://www.census.gov/topics/income-poverty/wealth/data/tables.html>. Administrative agents shall determine household net assets in accordance with the procedure for calculating "net family assets" stipulated at 24 CFR § 5.603(b), as it may be updated from time to time. The estimated net value of an applicant's primary residence shall be excluded from the calculation of net total assets if any of the following apply:

i. The applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium or homeowner association fees, as applicable) exceed 38 percent of the household's eligible monthly income;

ii. The applicant is receiving assistance for the residence pursuant to 24 CFR § 982.620 or pursuant to the Homeownership Option at 24 CFR § 982;

iii. The applicant jointly owns the residence with an owner-occupant who is not part of the applicant household and with whom the applicant does not reside;

iv. The residence is a restricted ownership unit subject to the requirements of this subchapter or a unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, including any 95/5 unit;

v. Any member of the applicant household is a victim of domestic violence, dating violence, sexual assault, or stalking, as defined at 24 CFR § 5.2003; or

vi. The applicant demonstrates that the residence is not suitable for occupancy, according to any of the criteria listed at 24 CFR § 5.618(a)(2)(i) through (v).

(c) The administrative agent shall require each member of an applicant household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 participating in a registered apprenticeship program, to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income or who qualify for the full-time student or apprenticeship exemption must produce documentation as to their current status.

(d) Income verification documentation may include, but is not limited to, the acceptable forms of verification identified at Appendix 3 of HUD Handbook 4350.3 REV-1, available online at <https://www.hud.gov/sites/documents/4350a3HSGH.PDF>, for each and every member of a household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 in a registered apprenticeship program.

(e) Court ordered payments for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.

(f) The administrative agent may deem ineligible an applicant who is unable to demonstrate sufficient present assets for down payment or security deposit purposes, subject to development phasing that may provide an opportunity for future savings.

(g) The administrative agent may deem ineligible an applicant who is unable to verify funds claimed as assets, household composition, or other facts represented in the application.

(h) The administrative agent shall deny a certificate of eligibility to an applicant who makes any willful or material misstatement of fact in seeking eligibility.

(i) The administrative agent shall screen households that apply for low- and moderate-income housing for preliminary income eligibility by comparing their total gross annual income to the regional low- and moderate-income limits calculated for that year. In lieu of calculating household income, the administrative agent, at their discretion, may accept a household income determination made within the previous 12 months to assess eligibility for the Temporary Assistance for Needy Families (TANF) block grant, Medicaid, the Supplemental Nutrition Assistance Program (SNAP) benefit, the Earned Income Tax Credit (EITC), the Special Supplemental Nutrition Program for

Women, Infants, and Children (WIC), Supplemental Security Income, public housing, Section 8, or low-income housing tax credits (LIHTC). Additionally, the administrative agent shall accept household income determinations made within the previous 180 days by another administrative agent or by the Department or the Agency.

(j) The administrative agent shall accept self-certification from any member of an applicant household claiming to be a victim of domestic violence, dating violence, sexual assault, or stalking for purposes of the exception to the homeownership restriction. In such case, the administrative agent must comply with the confidentiality requirements and restrictions on requesting documentation pursuant to 24 CFR § 5.2007.

(k) The administrative agent shall employ a random selection process when referring households to affordable units. With approval from the Division, supportive housing units may be exempted from the random selection process. The administrative agent may elect to conduct the random selection prior to or after households are certified for eligibility.

1. If conducting the random selection prior to household certification, the administrative agent shall select households from the entire applicant pool, without regard for income, household size, or other distinguishing factors.

2. If conducting the random selection following household certification, the administrative agent shall notify all applicants of their eligibility or ineligibility in advance of the random selection and may conduct either one random selection from the entire applicant pool or separate random selections from each subgroup of the applicant pool. Each eligible household will be assigned to an applicable subgroup(s) as follows:

- i. Whether the household is seeking for-sale units, rental units, or both;
- ii. The number of bedrooms the household qualifies for;
- iii. The household income level;
- iv. The unit type applicable to the household (that is, family, age-restricted, or supportive);
- v. Whether the household is seeking an accessible unit
- vi. For supportive housing applicants only, whether any member of the household belongs to the eligible population; and
- vii. Any of the occupancy preferences allowed pursuant to (k)3 below.

3. A municipality may elect to adopt any or all of the four occupancy preferences at i, ii, iii, and iv below. If it does so, the municipality shall adopt its desired occupancy preference(s) prior to the usage of the occupancy preference(s) in any random selection process. All other

occupancy preferences, including preferences for residents of the municipality, are prohibited:

- i. A preference of up to 50 percent of the restricted units in a particular project 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);
  - ii. A preference for very-low-, low-, and moderate-income households that reside or work in the housing region;
  - iii. Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey; and
  - iv. 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. Developers and property management entities shall not discriminate against any person as prohibited by Federal Fair Housing laws or by the New Jersey law Against Discrimination, N.J.S.A. 10:5-1 through 5-50. Administrative agents and Municipal Housing Liaisons shall report property managers to the Division, which shall refer such matters to the Office of the Attorney General if they receive any complaints that developers or property managers are discriminating against applicants or residents.
  5. In certifying and referring households, the administrative agent shall comply with all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.
  6. Upon being referred to an available unit, an applicant must be provided with a minimum of five business days to accept or reject the administrative agent's offer.

### **23. Option to Buy 95/5 units**

(a) Each 95/5 unit is subject to an option permitting purchase of the unit at the maximum allowable restricted sale price at the time of the first authorized non-exempt sale after controls on affordability have been in effect on the unit for the period specified at N.J.A.C. 5:80-26.6. The option to buy is available to the municipality in which the unit is located, DCA, the Agency, and approved nonprofit entities.

(b) The owner of a 95/5 unit shall notify the administrative agent and Municipal Housing Liaison by certified mail and by email of any intent to sell the unit 90 days prior to entering into an agreement for the first authorized non-exempt sale after controls have been in effect on the housing unit for the period specified at N.J.A.C. 5:80-26.6.

(c) Upon receipt of a notice specified at (b) above, the option to buy the unit at the maximum allowable restricted sale price or any mutually agreed upon sale price that does not exceed the maximum allowable restricted sale price will be available for 90 days. The administrative agent

shall notify the Municipal Housing Liaison and the Division that the unit is for sale. The municipality shall have the right of first refusal to purchase the unit. If the municipality exercises this option, it may enter into a contract of sale for the unit. If the municipality does not exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the 90-day period may purchase the unit. If the option to purchase the unit at the maximum allowable restricted sale price is not exercised by one of the above entities by a written offer to purchase the housing unit within 90 days of receipt of notice of the intent to sell, the owner may proceed to sell the housing unit pursuant to N.J.A.C. 5:80-26.25. If the owner does not sell the unit within one year of the date of the delivery of the notice of intent to sell, the option to buy the unit will be restored and the owner will be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale.

(d) Any option to buy a housing unit at the maximum allowable restricted sale price must be exercised by certified mail and by email and will be deemed to have been exercised upon transmission of the email.

(e) Any municipality that elects to purchase a 95/5 unit may:

1. Convey or rent the unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sale price or rent, provided the unit is controlled by a deed restriction; or
2. Convey the unit at fair market value.

(f) Municipalities that purchase low-income 95/5 units shall maintain such units as low-income housing units.

(g) Municipalities that purchase 95/5 units and convey them at a fair market value shall:

1. Notify the Division and the Dispute Resolution Program of any proposed sale and sale price at least 90 days before closing;
2. Notify the Division and the Dispute Resolution Program of the price differential; and
3. Deposit the price differential in an interest-bearing housing trust fund devoted solely to the creation, rehabilitation, or maintenance of low- and moderate-income housing.

(h) Money deposited in housing trust funds may not be expended until the municipality submits and the Division or the Dispute Resolution Program approves a spending plan in accordance with

the applicable rules in effect at the time of the proposed expenditure. Money deposited in housing trust funds is subject to the applicable Division rules in effect at the time of deposit.

(i) Failure of a unit owner to comply with the notice requirements does not affect the rights and remedies available to the municipality, the Division, or the Agency nor does the failure of the municipality, the Division, or the Agency to take any affirmative action with respect to such failure of a unit owner operate as a waiver of any such rights and remedies.

(j) Nonprofit entities may apply the Municipal Housing Liaison at any time for the right to purchase 95/5 units subsequent to the period of controls on affordability, provided the unit remains controlled by a deed restriction approved as part of the compliance certification.

(k) Nonprofit entities that have been designated by the Division are eligible to purchase low- or moderate-income units for the sole purpose of conveying or renting the housing unit to a low- or moderate- income purchaser or tenant at a price or rent not to exceed the allowable restricted sale price or rental amount. Low-income units must be made available to low-income purchasers or tenants and the housing unit must be regulated by the deed restriction and lien approved as part of the compliance certification. The terms of the controls on affordability are the same as those required at N.J.A.C. 5:80-26.6

(l) An eligible seller of a 95/5 unit that has been controlled for the period established at N.J.A.C. 5:80-26.6 who has provided the requisite notice of an intent to sell, may proceed with the sale if no eligible entity exercises its option to purchase within 90 days.

(m) Subject to N.J.A.C. 5:80-26.1 et seq., the seller may:

1. Sell to a certified household at a price not to exceed the maximum permitted sale price in accordance with existing rules, provided that the unit is regulated by the deed restriction and lien approved as part of a compliance certification, for a period of at least 30 years; or

2. Exercise the repayment option and sell to any purchaser at market price, provided that 95 percent of the price differential is paid to the administrative agent, as an instrumentality of the municipality, at closing.

**(n)** If the sale will be to a qualified low- or moderate-income household, the administrative agent shall certify the income qualifications of the purchaser and shall ensure that the housing unit is regulated by the deed restriction and lien required as part of a compliance certification.

(o) The administrative agent shall examine any contract of sale containing a repayment option to determine if the proposed sale price bears a reasonable relationship to the housing unit's

fair market value. In making this determination, the administrative agent may rely on comparable sales data or an appraisal. The administrative agent shall not approve any contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. The administrative agent shall make such a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.

(p) The administrative agent shall adopt an appeal procedure by which a seller may submit written documentation requesting the administrative agent to recompute the repayment obligation if the seller believes an error has been made, or to reconsider a determination that a sale price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal is a final determination of the administrative agent appealable pursuant to N.J.A.C. 5:80-26.20.

(q) The repayment will occur at the date of closing and transfer of title for the first non-exempt transaction after the expiration of controls on affordability.

(r) The administrative agent shall deposit all repayment proceeds in a housing trust fund, which funds may be used as specified at N.J.S.A. 52:27D-329.2. Money deposited in housing trust funds may not be expended until the municipality submits and the Division or the Dispute Resolution Program approves a spending plan. See N.J.S.A. 52:27D-329.2.

(s) A municipality has the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower-income housing units sold within the municipality beyond the period required at N.J.A.C. 5:80-26.6. Such determination must be made by resolution of the municipal governing body and will be effective upon filing with the Dispute Resolution Program. The resolution must specify the time period for which the repayment option is not applicable. During such period, no seller in the municipality may utilize the repayment option permitted at N.J.A.C. 5:80-26.25. Municipalities that exercise this option above shall:

1. Provide public notice in a newspaper of general circulation;
2. Notify the administrative agent and the Division of its governing body's action;
3. Extend the control period not less than 30 years or, if the original control period and extended control period, in combination, total at least 60 years, not less than 20 years; and

4. Take at least one of the following actions:

i. Purchase the affordable units; or

ii. Contribute at least \$10,000.00 per unit from the municipal affordable housing trust fund to support the preservation of the units.

(t) The administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls.

(u) The deed restriction governing 95/5 housing units must allow municipalities, DCA, the Agency, nonprofit entities, and sellers of low- and moderate-income units to again exercise all the same options as provided in this subchapter when a housing unit has been maintained as a low- or moderate-income unit after affordability controls have been in effect for the period specified at N.J.A.C. 5:80-26.6.

## **24. Appeals.**

Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed in writing with the Municipal Housing Liaison for the jurisdiction. 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.

Section 460. Mandatory affordable housing set-aside.

- A. All residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a use variance granted by the Zoning Board, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, shall require that an appropriate percentage of the residential units be set aside for very-low-, low- and moderate-income households.
- B. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- C. For inclusionary projects, the appropriate affordable housing set-aside percentage is twenty percent (20%).
- D. The developer shall provide that 1/2 of the affordable units constructed be reserved for low income households and that the remaining 1/2 be reserved for moderate-income households. At least 13% of all restricted units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.
- E. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.
- F. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of redevelopment plan or amended redevelopment plan in area in need of redevelopment or rehabilitation or for approval of any particular proposed project.
- G. In the event that the inclusionary set-aside percentage of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.
- H. This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

## **PURPOSE**

The purpose of this Ordinance is to create regulations and standards governing the development of multi-family housing developments, which will include a required on-site affordable housing component, in a new overlay zoning district along North Ocean Avenue in Block 91 between Farragut and Porter Avenue. The ordinance is designed to regulate said multi-family housing developments in a manner consistent with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of Chapter 200 of the Municipal Code Development Regulations shall apply:

### **200-69 Residential Inclusionary Overlay Zone (RIO)**

- a. Purpose. The Residential Inclusionary Overlay Zone is intended to promote development that accommodates multi-family housing in a location that can address the housing needs and preferences of market rate and affordable households, and which also supports the underlying district.
- b. Location. The Residential Inclusionary Overlay Zone is a multi-family overlay option in the Borough's R (Residential) zoning district on the following lots, Block 91, Lots 24-27, Lots 34-54. Within the overlay zone district, the development of a new multi-family development, with a required on-site affordable housing component, is permitted as an option to the uses otherwise permitted in the R zoning district.
- c. Permitted uses. The following uses shall be permitted in the Residential Inclusionary Overlay District:
  1. Inclusionary multi-family dwellings (townhouses, apartments) provided:
    - i. The minimum affordable housing set-aside is met;
    - ii. All affordable housing units produced comply with the Borough's Affordable Housing Ordinance.
- d. General Requirements and Conditions. Multi-family residential units shall be permitted in the Residential Inclusionary Overlay Zone, provided that the use and building shall adhere to the following minimum standards and conditions:

1. All standards and requirements in the underlying R Zone shall be met, except as otherwise modified by this section.
2. Height: Multi-family buildings shall not exceed 3-stories or 35 feet provided:
  - i. The height limitations of this section shall not apply to chimneys provided they are erected to only such a height as is necessary to accomplish their purpose in compliance with the Uniform Construction Code and stairs and elevator penthouses that project the minimum amount necessary to meet the Uniform Construction Code
  - ii. Mechanical equipment shall be set back from all building facades by at least 10 feet and screened.
  - iii. Parapet walls are permitted up to five feet in height, as measured from the maximum height limit.
3. Density: The maximum density for a multi-family development shall not exceed twenty (20) dwelling units per acre.
4. Affordable Housing Set-Aside: The on-site affordable housing set-aside of 20% is required. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), and New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq. If there are multiple dwelling units within each building, then the affordable units shall be evenly dispersed with market-rate units in each building. Affordable units shall have equal access to all amenities and recreational areas available to market-rate units.
5. Income Distribution of Affordable Units: The income distribution for the affordable units in each project shall be as follows: no more than fifty percent (50%) within each bedroom distribution may be moderate income units, at least thirty-seven percent (37%) within each bedroom distribution shall be low income units and at least thirteen percent (13%) within each bedroom distribution shall be very low income units.
6. Parking: On-site parking must be provided for all uses on site in accordance with RSIS standards.
7. Affirmative Marketing of Affordable Units: The affordable units must be affirmatively marketed to the housing region in accordance with the Borough’s Affirmative Marketing Plan.
8. Affordable Housing Ordinance Requirements: The provisions of the Borough’s Affordable Housing Ordinance, shall apply to multi-family affordable housing developments, including, but not limited to, the UHAC required bedroom mix: At least twenty percent (20%) of the affordable units in each project shall be three bedroom units; at least, but not more than, twenty percent (20%) of the

affordable units in each project shall be efficiency and one bedroom units; at least thirty percent (30%) of the affordable units in each project shall be two bedroom units; the balance may be two or three-bedroom units, at the discretion of the developer.

9. Deed Restriction of Affordable Units: The developer shall have an obligation to deed restrict the affordable units in any project as very low, low or moderate income affordable units for a period of at least thirty (30) years for for-sale units and forty (40) years for rental units, until such time and under such conditions as the Borough takes action to release the deed restriction, so that the Borough may count the affordable units against its affordable housing obligation.

10. Bulk Requirements:

- i. Minimum Front Yard Setback: 15 feet
- ii. Minimum Side Yard Setback: 15 feet
- iii. Minimum Rear Yard Setback: 15 feet
- iv. Minimum Setback and Buffer to existing residential uses and/or zone: 25 feet
- v. Maximum Lot Coverage: 70%
- vi. Maximum Building Coverage: 35%
- vii. Townhouse minimum lot size: 2,000 square feet
- viii. A maximum of six (6) townhouses is permitted per building.

11. Design Standards:

- i. Townhouse units shall be rear-loaded. Townhouses shall provide on-site parking by an enclosed garage located in the back yard with access from a lane. Parking may occur within the driveway leading to the garage, in which case said garage shall be set back no less than 18 feet and no more than 22 feet from the right-of-way of the rear lane to accommodate a car without projecting into the right-of-way.;
- ii. Parking shall not be visible from the public right-of-way associated with a front or side yard;
- iii. Buildings shall be oriented, with one or more building entrances, toward the public street to which the build-to-line is measured.
- iv. Reverse frontage lots are prohibited.
- v. Stormwater detention areas shall not be located between a building and a publicly accessible area.
- vi. Trash and recycling disposal and pick-up facilities shall not be visible from a publicly accessible area.

12. Building Design Standards:

- i. As a general rule, buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining front yard setbacks at the build-to-line; by maintaining base courses; by use of front porches on residential buildings; by maintaining cornice lines in buildings of the same height;

by extending horizontal lines of fenestration; and by echoing architectural styles and details, design themes, building materials, and colors historically used in Brielle Borough.

- ii. Facades shall be expressed as building modules that do not exceed 30 feet in width.
- iii. Building facades facing a publicly accessible area shall be articulated into three distinct vertical components — a “base”, a “middle”, and a “top.”
  1. The base should consist of the first story. The base design shall be emphasized to create visual interest and support pedestrian activity.
  2. The middle should consist of all or a portion of the upper stories. The middle shall be differentiated from the base and the top by a horizontal transition line. The transition line’s specific location shall be determined primarily by the overall height of the building and that of any adjacent buildings. The transition line shall relate to adjacent building if the adjacent buildings are lower than the proposed building. A change of material and/or color from the base is an acceptable way to distinguish the middle portion of the building.
  3. The top may consist of the top story or may consist of a horizontal or projecting element articulating the top of the building.
  4. Rooftop decks are prohibited.

e. Administrative Entity.

1. The Borough has designated an Administrative Agent appointed by the Mayor and Council to administer the affordable units created in accordance with the Borough’s Residential Inclusionary Overlay Zone. The administrative responsibilities of the Borough’s Administrative Agent include, but are not limited to, advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Borough’s Administrative Agent shall administer the program in accordance with COAH’s regulations and the subsection 22-7.35, Affirmative Marketing of Affordable Housing Units, and subsection 22-7.36, Affordable Housing Developments. The Developer is responsible for all costs of the Borough’s Administrative Agent regarding the developer’s particular project.
2. The Borough retains jurisdiction on all other approvals required by this Chapter, including, but not limited to, development permits and variances, subdivision or site plan approvals.

# Appendix F

RESOLUTION ADOPTING A SPENDING PLAN

Seaside Park Borough, Ocean County

**WHEREAS**, on \_\_\_\_\_, the Seaside Park Borough's Planning Board adopted a Housing Element and Fair Share Plan that addresses the Borough's Prior Round, Third Round and Fourth "fair share" obligations; and

**WHEREAS**, on \_\_\_\_\_, the Borough Council held a properly-noticed public meeting to consider endorsing the Housing Element and Fair Share Plan adopted by the Planning Board on \_\_\_\_\_ and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region's low- and moderate-income households to endorse said Housing Element and Fair Share Plan and to direct the Borough's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Judgment of Compliance and Repose approving said plan to protect the Borough from any Mount Laurel lawsuits; and

**WHEREAS**, the adopted and endorsed Plan includes a Spending Plan component, as required by the Council on Affordable Housing's Rules at N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough's Affordable Housing Trust Fund, and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan; and

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Seaside Park Borough in the County of Ocean, and the State of New Jersey hereby adopts the Spending Plan component of the Housing Element and Fair Share Plan.

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Municipal Clerk

## BOROUGH OF SEASIDE PARK SPENDING PLAN

May 2025

### INTRODUCTION

This spending plan is submitted to the Superior Court of New Jersey for approval to expend Affordable Housing Trust Fund monies that will contribute to the affordability assistance program including expenditures to create very-low income units or to render existing units more affordable, and toward administrative expenses.

All development fees, payments in lieu of constructing affordable units on site, "other" income, and interest generated by the fees will be deposited in one (1) separate interest-bearing account dedicated toward the creation of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

### REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Third and Fourth Round, Seaside Park considered the following:

(a) **Development fees: \$800,000**

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of 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): \$0**

The Borough does not anticipate receiving other payment-in-lieu of construction through the Third Round.

(c) **Other funding sources: \$0**

The Borough does not anticipate future funds from this category at this time. Funds from other sources, include, but are not limited to the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies in the Affordable Housing Trust fund are anticipated to come from development fees and interest.

(d) **Projected interest: \$40,000**

Based on interest earned in recent years and projected rates of development fee revenue, Seaside Park anticipates collecting \$40,000 in interest through 2035.

Seaside Park Borough projects a subtotal of \$840,000 to be collected between June 2025 and June 30, 2035, including interest, to be used for affordable housing purposes. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Seaside Park Borough:

### a) Collection of development fee revenues:

All collection of development fee revenues will be consistent with local regulations which follow COAH administrative models for both residential and non-residential developments and in accordance with N.J.S.A. 40:55D-8.1 through 8.7.

### (b) Distribution of development fee revenues:

The governing body may hear and decide upon a request for development fee revenues for the purpose of creating affordable housing. The governing body reviews the request for consistency with the Spending Plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

### (a) Affordability Assistance (N.J.A.C. 5:93-8.16(c))

Seaside Park Borough is required to spend a minimum of 30 percent of development fee revenue to render affordable units more affordable and at least one-third of that amount must be dedicated to very low-income households or to create very low-income units (i.e. households with incomes less than 30 percent of

the regional median income). The actual affordability assistance minimums should be calculated based on actual revenues.

Projected Minimum Affordability Assistance Requirement		
Development Fees Projected 2025-2035	+	\$800,000
Interest Projected 2025-2035	+	\$40,000
Less Housing Activity Expenditures per N.J.A.C. 5:93-8.16(c) including new construction	-	\$0
<b>Total</b>	<b>=</b>	<b>\$840,000</b>
30 Percent Requirement	x 0.30 =	\$252,000
Less Affordability Assistance Expenditures through 12/2024	-	\$0
<b>Projected Minimum Affordability Assistance Requirement</b>	<b>=</b>	<b>\$252,000</b>
<b>Projected Minimum Very Low-Income Requirement</b>	<b>÷ 3 =</b>	<b>\$84,000</b>

Based on fees and interest collected to date and projected revenues, Seaside Park Borough must dedicate at least \$252,000 from the affordable housing trust fund to render units more affordable, including \$84,000 to render units more affordable to households with income at 30 percent or less of median income by region. Please refer to the affordability assistance program manual provided as an appendix to the Spending Plan for details of how the affordability assistance funds are anticipated to be used. It may use a variety of vehicles to do this including, but not limited to the following:

- Emergency Repair Program;
- Down-payment assistance;
- Rental assistance;
- Security deposit assistance;
- Moving expenses;

- Low interest loans;
- Assistance with homeowners' association or condominium fees and special assessments; and/or
- Converting low-income units to very-low-income units or creating new very-low income units, etc.

The Borough will work with its affordable housing providers and administrator to expand outreach to ensure the existing and new households of very-low-, low- and moderate-income programs can take advantage of affordability assistance programs. Additionally, the Borough will work with affordable housing providers to convert low income units to very low-income units.

**(b) Administrative Expenses (N.J.A.C. 5:93-8.16(e))**

Seaside Park Borough may use Affordable Housing Trust Fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis based on actual revenues.

Projected Administrative Expenses		
Development Fees Projected 2025-2035	+	\$800,000
Interest Projected 2025-2035	+	\$40,000
<b>Total</b>	<b>=</b>	<b>\$840,000</b>
20 Percent Maximum Permitted Administrative Expenses	x 0.20 =	\$168,000
Less Administrative Expenditures through April 2025	–	\$0
<b>Projected Allowed Administrative Expenditures</b>	<b>=</b>	<b>\$168,000</b>

Seaside Park Borough projects that \$168,000 may be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Borough Attorney, Engineer, and Planner fees related to plan preparation and implementation, and to obtaining Judgment of Compliance and Repose;
- Administration fees related to rehabilitation, extension of expiring controls, affordability assistance programs, and municipally-sponsored construction programs;
- Affirmative Marketing;
- Income qualification of households; and
- Administration of Borough's Affordable Housing Units.

## EXPENDITURE SCHEDULE

Seaside Park Borough intends to use Affordable Housing Trust Fund revenues for its municipally-sponsored construction program, affordability assistance including the creation of very-low income units and making existing units more affordable, and administrations expenses. Additionally, this expenditure schedule meets the requirement that trust fund revenues are expended within four years of their collection.

### Projected Expenditure Schedule 2025 Through 2035

Program	Units	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
New Construction		-	-	-	-	-	\$70k	\$70k	\$70k	\$70k	\$70k	\$70k	\$420,000
Affordability Assistance		\$12.6k	\$25.2	\$25.2	\$25.2	\$25.2	\$25.2	\$25.2	\$25.2	\$25.2	\$25.2	\$12.6k	\$252,000
Administration		\$8.4k	\$16.8	\$16.8	\$16.8	\$16.8	\$16.8	\$16.8	\$16.8	\$16.8	\$16.8	8.4k	\$168,000
<b>TOTAL</b>		<b>\$21k</b>	<b>\$42k</b>	<b>\$42k</b>	<b>\$42k</b>	<b>\$42k</b>	<b>\$112k</b>	<b>\$112k</b>	<b>\$112k</b>	<b>\$112k</b>	<b>\$112k</b>	<b>\$91k</b>	<b>\$840,000</b>

### EXCESS OR SHORTFALL OF FUNDS

In the event that a shortfall of anticipated revenues occurs, Seaside Park will bond to satisfy the gap in funding. In the event that funds exceed projected expenditures, the Borough will devote any excess funds on additional affordability assistance above the 30 percent minimum requirement. Alternatively, the Borough reserves the opportunity to amend its Housing Element and Fair Share Plan, as well as this Spending Plan, to create additional affordable housing opportunities.

### SUMMARY

The Borough of Seaside Park intends to spend Affordable Housing Trust Fund revenues pursuant to the extant regulations governing such funds and consistent with the housing programs outlined in the 2025 Prior, Third and Fourth Round Housing Plan Element and Fair Share Plan. Seaside Park anticipates \$840,000 in revenues before the expiration of a Fourth Round Judgment of Repose. The Borough may expend up to \$168,000 of Trust Funds on administrative costs during the period of repose. At this time, the Borough estimates that approximately \$252,000 of Trust Funds will be spent to create very low-income units, and to make units more affordable. The Borough will allocate up to \$420,000 for costs associated with infill 100% affordable single-family for sale or rental housing.

Spending Plan Summary	
Revenues	
Projected Revenue from 2025 through 2035	
1. Development Fees	+ \$800,000
2. Payments-In-Lieu of Construction	+ \$0
3. Other Funds	+ \$0
Interest	+ \$40,000
Total Projected Balance	= \$840,000
Expenditures	
Affordability Assistance	- \$252,000
New Construction	- \$420,000
Administration	- \$168,000
Total Projected Expenditures	= \$840,000
Remaining Balance	= \$0