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June 3, 2025

VIA E-COURTS:

Hon. Linda Grasso Jones, J.S.C.
Monmouth County Courthouse
71 Monument Park, PO Box 1266, 2nd Floor
Freehold, NJ 07728

RE: In the Matter of the Application of the Borough of Bradley Beach
Docket No.: MON-L-305-25
File No. 23819

Dear Judge Jones:

As you are aware, our office represents the Plaintiff, Borough of Bradley Beach (“Borough”), in the above-referenced matter.

Please accept this filing as an amendment to the Borough’s prior filing of its Housing Element and Fair Share Plan (“HEFSP”). The Borough is hereby resubmitting the HEFSP along with a true and accurate copy of the formal resolution that was adopted May 29, 2025.

The Borough of Bradley Beach respectfully reserves the right to further supplement or amend these filings prior to the statutory deadline of June 30, 2025.

Thank you for your attention to this matter.

Respectfully submitted,

WEINER LAW GROUP LLP

By: s/ Wendy Rubinstein Quiroga
Wendy Rubinstein Quiroga
Member of the Firm

WRQ:MY
cc: All Counsel of Record (via eCourts)
#5335496v1

**RESOLUTION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN
OF THE LAND USE BOARD OF THE BOROUGH OF BRADLEY BEACH**

WHEREAS, on March 20, 2024, a Bill commonly known as A4/S50 or P.L. 2024, c.2 was signed into law, which legislation amended the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (the “Amended FHA”); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2025 (“Fourth Round”); and

WHEREAS, the Amended FHA abolished the Council on Affordable Housing (“COAH”) and delegated its responsibilities to the New Jersey Department of Community Affairs (the “DCA”), the New Jersey Housing and Mortgage Finance Agency and the Affordable Housing Dispute Resolution Program (the “Program”), created by the same law; and

WHEREAS, in January 2025 the Mayor and Council of the Borough of Bradley Beach adopted Resolution No. 2025-65, accepting the Present Need Obligation of sixty-four (64) affordable housing units and a Prospective Need Obligation of thirty (30) affordable housing units as calculated by the DCA for the Borough; and

WHEREAS, the Amended FHA requires, among other things, that a participating municipality prepare and adopt a Housing Element and Fair Share Plan (“HEFSP”) on or before June 30, 2025; and

WHEREAS, Borough Planner Jennifer Beahm, PP, AICP of Leon S. Avakian, Inc. has prepared the 2025 HEFSP with appendices to address the Borough’s affordable housing obligations; and

WHEREAS, on May 29, 2025, upon proper notice, the Board held a public hearing regarding the 2025 HEFSP, which included testimony of Board Planner Christine Bell, PP, AICP, of Leon S. Avakian, Inc; and

WHEREAS, the Board has carefully considered any and all comments made by Board members and members of the public at said hearing and has directed revisions to the HEFSP, which have been incorporated into the attachment; and

WHEREAS, the Board has determined that the 2025 HEFSP attached hereto has addressed the Borough’s Fair Share obligations and its capacity to accommodate the present and prospective affordable housing needs in accordance with proper land use planning.

NOW, THEREFORE, be it resolved that the Land Use Board of the Borough of Bradley Beach hereby adopts the 2025 HEFSP and amends the Borough Master Plan by replacing the existing HEFSP with the 2025 HEFSP.

BE IT FURTHER RESOLVED that a copy of this Resolution and the 2025 HEFSP shall be promptly filed with the Monmouth County Planning Board and the DCA Office of Planning Advocacy.

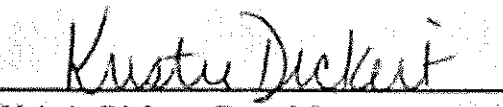
BE IT FURTHER RESOLVED that a copy of this resolution and the 2025 HEFSP shall be sent to the municipal clerk of each adjoining municipality who requests a copy of same; and

BE IT FURTHER RESOLVED that it is the recommended that the Mayor and Council endorse the HEFSP as part of the Borough's Master Plan and that same should be submitted to the Superior Court of New Jersey for its approval.

Certification

I certify that the above Resolution is a true and accurate resolution adopted by the Land Use Board of the Borough of Bradley Beach on **May 29, 2025**.

**LAND USE BOARD
BOROUGH OF BRADLEY BEACH**



Kristie Dickert, Board Secretary

Date signed: June 3rd, 2025

Attachment: 2025 HEFSP and appendices
5331006
5330889

Housing Plan Element and Fair Share Plan

Prepared for:

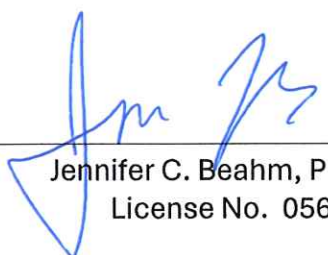
**The Borough of Bradley Beach
Monmouth County, New Jersey**

Adopted May 29, 2025

Prepared By:

LEON S. AVAKIAN INC.
CONSULTING ENGINEERS

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INTRODUCTION

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH’s regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Borough of Bradley Beach the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth and Ocean counties. In Region 4 the median income for a four-person household is \$130,054, the moderate-income limit is \$104,043, the low-income limit is \$65,027, and the very-low-income limit is \$39,016 in 2024.

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

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

applications for development and probable residential development of lands;

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

MUNICIPAL SUMMARY

Bradley Beach is an inviting, historical shore town located along the Atlantic Ocean in southeastern Monmouth County, New Jersey. The Borough has been developing since the 19th Century, becoming a very popular resort town by 1927. The development of the North Jersey Coast Rail line and the construction of the Garden State Parkway have both contributed to the influx of residents from the metropolitan area seeking year-round residences.

The Borough is 0.6 square miles, almost completely built out and mainly occupied by single-family residential properties, along with a variety of single- and multi-family residential areas near Ocean Ave. The commercial area is well-defined along the western portion of the Bradley Beach, which runs along Main Street, extending from the north to the south of the Borough. Surrounding Bradley Beach is the Atlantic Ocean to the east, Avon-by-the-Sea to the south, Neptune City to the west, and Neptune Township to the north and west.

The current year-round population of Bradley Beach is estimated at 4,193 (ACS 2023 5-year data), swelling substantially in the summer months. Bradley Beach has a population density of 6,656 persons per square mile. The Borough grew older by 9.5 years between 2000 and 2023, with a current median age of 46.4 years of age. Bradley Beach's 2023 median household income estimate of \$94,722 was lower than that of the county (\$99,733) but higher than the State (\$82,545).

In the guidelines established by COAH, Bradley Beach Township is located in affordable housing Region 4 which is comprised of Monmouth, Mercer, and Ocean Counties.

DEMOGRAPHIC CHARACTERISTICS

POPULATION

In 2023, Bradley Beach had an estimated total population of 4,193. This number represents a population decrease of 600 persons or 12.5 percent since 2000, when the total population was 4,793. The overall population trend in Bradley Beach has been relatively stable and overall increasing since 1970 up to the year 2000, when the population peaked at 4,793. The largest decrease was in 2010, with a population decrease of 10.3 percent. Monmouth County, in comparison, experienced a slight population decrease of 13,235 between 2010 and 2023, but had been experiencing consistent population increases up to that point.

TABLE 1: POPULATION TRENDS, 1940-2023

Year	Bradley Beach			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	3,469	-	-	161,238	-	-	4,160,165	-	-
1950	3,911	442	12.7%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	4,204	293	7.5%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	4,163	-41	-1.0%	461,849	127,448	38.1%	7,171,112	1,104,330	18.2%
1980	4,772	609	14.6%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	4,475	-297	-6.2%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	4,793	318	7.1%	615,301	62,177	11.2%	8,414,350	684,162	8.9%
2010	4,298	-495	-10.3%	628,112	12,811	2.0%	8,721,577	307,227	3.6%
2020*	4,175	-123	-2.9%	620,821	-7,291	1.2%	8,885,418	163,841	1.9%
2023*	4,193	18	0.4%	643,615	22,794	3.67%	9,267,014	381,596	4.29%
2050^	4,579	386	9.2%	669,624	48,559	4.0%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)
 *U.S. Census Bureau, 2020, 2023 ACS 5-Year Estimates (table B01003)
 ^Population Projections from North Jersey Transportation Planning Authority (NJTPA)

POPULATION COMPOSITION BY AGE

The age composition of Bradley Beach has shifted noticeably since 2000. According to American Community Survey 5-Year Estimates, significant changes occurred in many age groups. The greatest percentage decreases occurred in the 20 to 24 years age cohort, which decreased by 80.4 percent, followed by children under 5 years old, which decreased by 70.6 percent. Conversely, the Borough has seen the biggest shifts occur in adults in age cohorts ranging from 45 to 84 years old, with a significant increase in the number of residents between 55 and 59 and between 65 and 84 years. These cohorts experienced an increase of over 183 percent.

TABLE 2: POPULATION BY AGE COHORT, BRADLEY BEACH, 2000-2023

Population	2000		2023		Change 2000-2023
	Number	Percent	Number	Percent	
Total population	4,793	100.0%	4,264	100.0%	-11.03%
Under 5 years	265	5.5%	78	1.85%	-70.6%
5 to 9 years	249	5.2%	138	3.2%	-44.6%
10 to 14 years	221	4.6%	237	5.6%	-7.2%
15 to 19 years	287	6.0%	127	2.9%	-55.7%
20 to 24 years	961	20.1%	188	4.4%	-80.4%
25 to 34 years	887	18.5%	1,100	25.8%	24.0%
35 to 44 years	671	14.0%	236	5.5%	-64.8%
45 to 54 years	247	5.2%	522	12.2%	111.3%
55 to 59 years	190	4.0%	283	6.6%	48.9%
60 to 64 years	318	6.6%	284	6.6%	-10.6%
65 to 74 years	189	3.9%	350	8.2%	85.1%
75 to 84 years	83	1.7%	235	5.5%	183.1%
85 years and over	98	2.0%	195	4.5%	98.9%
2000 US Census Bureau (table DP-1)					
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table S0101)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in elementary and middle school-aged population, with a substantial decrease of 23 percent in the population under 5 years of age. The 35 to 44 years old age cohort experienced the most substantial population decrease over this timeframe, with a 32.0 percent decrease. As with the Borough, the percentage of the County's older age cohorts (55 to 64 years and 75 to 84 years) experienced increases between 2000 and 2023, suggesting that the County, like the Borough, has an aging population.

TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2000-2023

Population	2000		2023		Change 2000 to 2023	
	Number	Percent	Number	Percent	Number	Percent
Total population	615,301	100.0%	643,615	100%	28,315	4.6%
Under 5 years	42,231	6.9%	32,114	4.9%	-10,117	-23.9%
5 to 14	93,278	15.2%	76,497	11.9%	-16,781	-17.9%
15 to 24	67,406	11.0%	79,553	12.3%	12,147	18.0%
25 to 34	75,308	12.2%	70,569	10.9%	-4,739	-6.2%
35 to 44	111,681	18.2%	75,860	11.8%	-35,821	-32.07%
45 to 54	92,239	15.0%	88,083	13.7%	-4,156	-4.5%
55 to 64	56,235	9.1%	101,541	15.8%	45,306	80.6%
65 and over	76,923	12.5%	105,060	16.3%	28,137	36.6%
2000 US Census Bureau (table DP-1), American Community Survey 2023 5 Year Estimates (table S0101)						

The median age of Bradley Beach residents increased by 9.5 years between 2000 and 2023, which is above the county's increase of 5.5, and higher than the state's increase of 3.4. This trend is consistent with the general "graying" of America as the Baby Boom Generation continues to age. The Borough's median age of 46.4 is remarkably similar to the overall County median age of 43.2 years.

TABLE 4: MEDIAN AGE

Year	Bradley Beach	Monmouth County	New Jersey
2000	36.9	37.7	36.7
2023	46.4	43.2	40.1
Change	9.5	5.5	3.4
U.S. Census Bureau, 2000 Decennial Census (table DP-1) U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table B01002)			

HOUSEHOLDS

A household is defined as one or more persons, related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 2,020 households in Bradley Beach. Approximately 82 percent of the Borough's households were comprised of one or two persons, with the one-person category containing the greatest number of households. A smaller percentage (~59%) of Monmouth County households fell into these categories. The Borough exhibited a lower percentage of three and four-or-more person households than the County. The Borough's average household size reflects these trends, at 2.05 persons per household compared to the County's 2.55-person per household figure.

**TABLE 5: HOUSEHOLD CHARACTERISTICS
BRADLEY BEACH AND MONMOUTH COUNTY, 2023**

	Bradley Beach		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,020	100.0%	250,195	100.0%
1-person	613	30.3%	66,589	26.6%
2-persons	1,047	51.8%	81,289	32.4%
3-persons	123	6.1%	40,929	16.4%
4 or more persons	237	11.7%	61,388	24.5%
Average Household Size	2.05		2.55	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household, related by blood, marriage or adoption. Most households in Bradley Beach were nonfamilies, comprising 50.9 percent of all households. On the other hand, family households make up almost 49.1 percent of all households, 37.7 percent of which were family households with married couple householders, while 7.2 percent and 3.9 percent of family households respectively were family households consisting of single parent male or female householders. Average family size was 2.75 persons.

TABLE 6: HOUSEHOLDS BY TYPE (2023)

Households	Total	Percent
	2,020	100.0%
Average Household Size	2.05	
Average Non-Family Household Size	1.48	
Family households	991	49.1%
Married Couple Family	765	37.7%
With own children under 18 years	151	7.5%
No children under 18 years	614	30.4%
Other Family		
Male householder, no spouse present	146	7.2%
With own children under 18 years	92	4.5%
No own children under 18 year	54	2.6%
Female householder, no spouse present	80	3.9%
With own children under 18 years	35	1.7%
No own children under 18 year	45	2.2%
Nonfamily Households	1,029	50.9%
Average Family Size	2.75	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table S1101)		

INCOME

Bradley Beach experienced a significant estimated percent increase in per capita income of 131.7 percent between 2000 and 2023, which was significantly higher than Monmouth County's 90.9 percent increase, and higher than the State's 83.2 increase. The same trend is observed in terms of the per capita income, as Bradley Beach experienced the highest increase of the three geographic regions studied. Bradley Beach's per capita income of \$56,505 in 2023 is lower than the County's \$65,545 per capita income figure but higher than the State's \$53,118 per capita income.

TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME

	2000 Per Capita Income	2023 Per Capita Income	Percent Change	2000 Median Household Income	2023 Median Household Income	Percent Change
Bradley Beach	\$25,438	\$56,505	122.1%	\$40,878	\$94,722	131.7%
Monmouth County	\$31,149	\$65,545	110.4%	\$64,271	\$122,727	90.9%
New Jersey	\$27,006	\$53,118	96.7%	\$55,146	\$101,050	83.2%
U.S. Census Bureau, 2000 Decennial Census (tables DP-3 and P082)						
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (tables S1902 and S1903)						

The income distribution for the Borough closely resembles that of the County. The income bracket containing the highest percentage of households was the \$75,000 to \$99,999 range for Bradley Beach (14.5%), and the \$200,000 or more range for the County (27.7%). In terms of median household income, households in Bradley Beach earned less than households in Monmouth County and the State overall in 2023. The median income in Bradley Beach was \$94,722 approximately \$28,005 less than county median household income and \$6,328 less than state median household income. Between 2000 and 2023, the median household income increased 131.7 percent, higher than the 90.9 percent increase experienced in Monmouth County and the 83.2 percent increase for the State overall.

**TABLE 8: HOUSEHOLD INCOME DISTRIBUTION
BRADLEY BEACH AND MONMOUTH COUNTY, 2023**

	Bradley Beach		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,020	100.0%	250,195	100.0%
Less than \$10,000	78	5.9%	8,165	3.2%
\$10,000 to \$14,999	15	3.9%	5,319	2.1%
\$15,000 to \$24,999	130	9.7%	10,781	4.3%
\$25,000 to \$34,999	146	7.3%	10,705	4.3%
\$35,000 to \$49,999	132	13.1%	17,390	6.9%
\$50,000 to \$74,999	282	14.0%	25,153	10.0%
\$75,000 to \$99,999	229	14.5%	25,542	10.2%
\$100,000 to \$149,999	402	9.3%	43,917	17.5%
\$150,000 to \$199,999	371	10.6%	33,996	13.6%
\$200,000 or more	235	11.8%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table B19001)				

HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Bradley Beach in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 230 households (23.5%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. Very much like the county, more than half of the households were spending over 30 percent of their incomes on rent. In Bradley Beach, a total of 424 households (42.8%) were spending over 30 percent, compared to the county's 31,711 households (51.5%). The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

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

	Bradley Beach		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	975	100.0%	188,578	100.0%
Less than 15%	104	10.7%	27,233	14.4%
15 to 19%	47	4.8%	23,882	12.6%
20 to 24%	46	4.7%	19,772	10.4%
25 to 29%	10	1.0%	13,459	7.1%
30 to 34%	72	7.3%	8,293	4.4%
35% or more	158	16.2%	28,203	14.9%
Not computed	0	0%	610	0.3%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table B25091)				

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

	Bradley Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	1,045	100.0%	61,617	100.0%
Less than 15%	175	16.7%	2,113	3.4%
15 to 19%	145	13.9%	6,127	9.9%
20 to 24%	165	15.8%	7,197	11.6%
25 to 29%	127	12.1%	6,281	10.1%
30 to 34%	18	1.7%	4,786	7.8%
35% or more	406	41.1%	26,925	43.7%
Not computed	9	0.8%	3,842	6.2%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table B25070)				

EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

According to the 2023 ACS, there are approximately 2,836 housing units in Bradley Beach, with 2,020 occupied housing units. The majority (51.7%) are renter occupied and mainly consist of detached single-family homes. Approximately 28.8 percent of the Borough's housing stock is vacant. The majority of these homes are considered vacant because they serve as seasonal homes, rather than as the primary residence of the owners. Almost 29.3 percent of the housing structures were built in 1939 or earlier, and about half of the housing structures (~50.2%) were built prior to 1970.

TABLE 11: HOUSING UNIT DATA, 2023

Housing Units in Bradley Beach	Number	Percent
Total Housing Units	2,836	100.0%
Vacant Housing Units	816	28.8%
Occupied Housing Units	2,020	71.2%
Owner Occupied	975	48.2%
Renter Occupied	1,045	51.7%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)		

	Number	Percent
Built 1939 or earlier	832	29.3%
Built 1940 to 1949	211	7.4%
Built 1950 to 1959	133	4.7%
Built 1960 to 1969	246	8.6%
Built 1970 to 1979	535	18.8%
Built 1980 to 1989	316	11.1%
Built 1990 to 1999	132	4.6%
Built 2000 to 2009	329	11.6%
Built 2010 or later	102	3.5%
Total	2,836	100.0%
Median Year Structure Built	1970	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04 and B25035)		

HOUSING TYPE AND SIZE

The majority of residences in Bradley Beach are single-family detached homes, which comprises 50.0% of the housing stock, followed by residences with 20 units or more, which comprise 19.2% of the housing stock. The median number of rooms per unit was 4.2.

TABLE 12: HOUSING UNITS BY TYPE, 2023

Units in Structure	Total	Percent
Total	2,836	100.0%
1 Unit, detached	1,419	50.0%
1 Unit, attached	175	6.2%
2 Units	175	6.2%
3 or 4 Units	193	6.8%
5 to 9 Units	176	6.2%
10 to 19 Units	153	5.4%
20 Units or more	545	19.2%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	72	2.5%
2 rooms	75	2.6%
3 rooms	732	25.8%
4 rooms	758	26.7%
5 rooms	240	8.5%
6 or more rooms	959	33.8%
Median number of rooms	4.2	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (DP04)		

HOUSING VALUES AND CONTRACT RENTS

According to ACS 5-Year Estimates, the majority of units in Bradley Beach (58.4%) were valued at over \$500,000. Table 13 provides a breakdown of home values for owner-occupied units within the Borough. Only 171 owner-occupied housing units in Bradley Beach were worth less than \$499,999. The median value of an owner-occupied housing unit in Bradley Beach was \$857,200 at the time of the survey, compared to the county's median value of \$566,500.

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

	Bradley Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total	975	100.0%	188,578	100%
Less than \$50,000	0	0.0%	3,202	1.7%
\$50,000 to \$99,999	0	0.0%	2,703	1.4%
\$100,000 to \$149,999	0	0.0%	1,760	0.9%
\$150,000 to \$199,999	0	0.0%	2,797	1.4%
\$200,000 to \$299,999	0	0.0%	12,780	6.8%
\$300,000 to \$499,999	171	17.5%	55,119	29.2%
\$500,000 and greater	804	82.4%	110,217	58.4%
Median Value	\$857,200		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

The number of rental units in Bradley Beach is estimated at 1,036. With respect to gross rent paid, most rental units in the Borough carry rental costs within the \$1,500 to \$1,999 range per month (36.8%). At the time of the ACS 5-Year Estimates, the median gross rent in Bradley Beach was \$1,710. No rental units in the Borough carried rental costs less than \$500 per month, and only 9 units did not require cash rent payments.

TABLE 14: GROSS RENT PAID

	Bradley Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	1,036	100.0%	59,223	100.00%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	45	4.3%	3,453	5.8%
\$1,000 to \$1,499	313	30.2%	13,711	23.1%
\$1,500 to \$1,999	381	36.8%	15,499	26.1%
\$2,000 or more	297	28.7%	22,515	38.0%
No cash rent	9	0.9%	2,604	4.4%
Median Contract Rent	\$1,710		\$1,771	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

HOUSING CONDITIONS

According to the 2023 ACS, there were 57 units exhibiting overcrowding (more than one person per room), 39 lacking complete plumbing facilities, and 39 lacking complete kitchen facilities. Table 15 details the condition of housing within Bradley Beach based on plumbing facilities, kitchen facilities, and overcrowding. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation. According to the data, 2.8 percent of occupied housing units experienced over-crowding, 1.9 percent of occupied units lacked complete plumbing facilities and 1.9 percent of units lacked complete kitchen facilities.

TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS

	Count	Percent
Housing Units with 1.01 or More Persons Per Room		
Owner-Occupied	15	0.7%
Renter-Occupied	42	2.1%
Plumbing Facilities		
Total Occupied Housing Units	2,020	100.0%
Lacking complete plumbing facilities	39	1.9%
Kitchen Equipment		
Total Occupied Housing Units	2,020	100.0%
Lacking complete kitchen facilities	39	1.9%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)		

PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, Bradley Beach Borough has issued building permits for 300 residential dwelling units between 2000 and November of 2023. During that same time period, the Borough issued 145 residential demolition permits. The majority of the Borough's building permits were authorized in 2003, followed by another peak in 2008. The Borough has added 163 dwelling units since 2000. Building permit data by year is summarized in Table 16 below.

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

Year	Residential Building Permits Issued	Residential Demolitions	Total Added
2000	12	3	9
2001	12	3	9
2002	10	8	2
2003	65	13	52
2004	33	8	25
2005	8	6	2
2006	9	5	4
2007	22	7	15
2008	46	5	41
2009	3	14	-11
2010	6	2	4
2011	5	3	2
2012	5	0	5
2013	7	8	-1
2014	9	2	7
2015	7	5	2
2016	13	9	4
2017	11	28	-17
2018	9	5	4
2019	8	7	1
2023	8	4	4
Total	308	145	163
<i>Source: New Jersey Department of Community Affairs Division of Codes and Standards</i>			

EMPLOYMENT DATA

The 2023 ACS reports on the work activity of residents aged 16 years and older. The Borough's working age population was 3,808 persons (67.5 percent of the overall population), approximately 2,571 of whom were part of the labor force (65.6%). Approximately 32.4 percent of the Borough's working age residents were not participating in the labor force, which is only 1.1 percent lower than that of the County. All of Bradley Beach's labor force was employed in civilian jobs. Approximately 1.3 percent of Borough residents are estimated to be unemployed at this time, lower than the estimated unemployment rate of Monmouth County overall (3.4%).

TABLE 17: EMPLOYMENT STATUS

	Bradley Beach		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	3,808	100.0%	526,352	100.0%
In labor force	2,571	67.5%	349,815	66.4%
Civilian Labor Force	2,571	67.5%	349,355	66.3%
Employed	2,518	66.1%	331,018	62.9%
Unemployed	53	1.3%	18,337	3.4%
Armed Forces	0	0.0%	460	0.09%
Not in labor force	1,237	32.4%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)				

Over three quarters of the workers in Bradley Beach were employed in private wage and salary positions, while about 6.6 percent of workers are self-employed. Government workers comprise about 10.2 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

TABLE 18: CLASSIFICATION OF WORKERS IN BRADLEY BEACH, 2023

	Number	Percent
Total	2,518	100.0%
Private Wage and Salary Worker	2,092	83.0%
Government Worker	258	10.2%
Self-Employed Worker	168	6.6%
Unpaid Family Worker	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

EMPLOYMENT BY INDUSTRY

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Bradley Beach were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers (26.1%) are employed in the educational, health care and social assistance services. The other sectors employing

over 10 percent of Borough's residents were professional, scientific, and management services, and Retail Trade.

TABLE 19: WORKFORCE BY SECTOR

Sector	Number	Percent
Civilian employed population 16 years and over	2,518	100.0%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	131	5.2%
Manufacturing	143	5.7%
Wholesale Trade	64	2.5%
Retail Trade	280	11.1%
Transportation and Warehousing, and Utilities	175	6.9%
Information	212	8.4%
Finance and insurance, and real estate and rental and leasing	163	6.5%
Professional, scientific, and management, and administrative and waste management services	342	13.6%
Educational services, and health care and social assistance	656	26.1%
Arts, entertainment, and recreation, and accommodation and food services	164	6.5%
Other Services, except public administration	141	5.6%
Public administration	47	1.9%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

Table 20 provides a percentage comparison of the Borough's workforce against that of the County. The Borough's profile of employment by sector generally mirrors that of the County. A higher percentage of the Borough's workforce is employed in educational services, and health care and social assistance; and Retail Trade. A significantly higher percentage of the County's workforce was employed in the Professional, scientific, and management, and administrative and waste management services; and Finance and insurance, and real estate and rental and leasing.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR
BRADLEY BEACH BOROUGH AND MONMOUTH COUNTY, 2023**

Sector	Bradley Beach	Monmouth County
Civilian employed population 16 years and over	100.0%	100.0%
Agriculture, forestry, fishing and hunting, mining	0.0%	0.3%
Construction	5.2%	6.9%
Manufacturing	5.7%	6.2%
Wholesale Trade	2.5%	2.4%
Retail Trade	11.1%	10.4%
Transportation and Warehousing, and Utilities	6.9%	4.4%
Information	8.4%	3.2%
Finance and insurance, and real estate and rental and leasing	6.5%	10.3%
Professional, scientific, and management, and administrative and waste management services	13.6%	15.5%
Educational services, and health care and social assistance	26.1%	24.3%
Arts, entertainment, and recreation, and accommodation and food services	6.5%	7.7%
Other Services, except public administration	5.6%	3.7%
Public administration	1.9%	4.3%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Borough's employed civilian labor force. Over half of the Bradley Beach's employed civilian labor force was employed in management, business, science and arts, followed by sales and office occupations.

TABLE 21: OCCUPATIONS BY TYPE

Occupation	Number	Percent
Employed Civilian population 16 years and over	2,518	100.0%
Management, business, science and arts occupations	1,483	58.9%
Service occupations	301	11.9%
Sales and office occupations	524	20.8%
Natural resources, construction and maintenance occupations	131	5.2%
Production Transportation and material moving occupations	79	3.1%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

As indicated in Table 22 below, it is projected that Monmouth County will add 21,400 jobs by 2032. The Ambulatory Health Care Services, Transportation and Warehousing, and Information sectors are poised to experience the greatest increase in number of jobs over the course of the projection period.

TABLE 22: PROJECTED EMPLOYMENT, MONMOUTH COUNTY, 2032

Industry Title	2022 Actual Employment	2032 Projected Employment	Numeric Change	Annual Growth Rate	Percent Change	Outlook
Mining	0	50	13.6	0.0	0.0%	Stable
Utilities	16,250	16,900	650	4.1	4.0%	Growing
Construction	1,300	1,400	100	6.9	7.8%	Growing
Manufacturing	9,700	10,250	550	5.9	5.6%	Growing
Wholesale Trade	8,900	9,200	300	3.5	3.3%	Growing
Retail Trade	36,450	36,700	250	0.7	1.5%	Growing
Transportation and Warehousing	6,100	7,100	1,000	16.6	16.3%	Growing
Postal Service	1,050	1,000	-50	-6.8	-4.7%	Declining
Information	6,050	6,950	900	14.8	14.8%	Growing
Finance and Insurance	10,950	11,050	100	0.9	0.9%	Growing
Real Estate and Rental and Leasing	4,150	4,300	150	4.0	3.6%	Growing
Professional, Scientific, and Technical Services	21,850	22,650	800	3.9	3.6%	Growing
Management of Companies and Enterprises	4,150	4,800	650	15.3	15.7%	Growing
Administrative and Support and Waste Management and Remediation Services	14,650	15,450	800	5.4	5.4%	Growing
Educational Services	25,800	27,350	1,550	6.0	6.0%	Growing
Health Care and Social Assistance	51,200	57,750	6,550	12.7	12.7%	Growing
Ambulatory Health Care Services	24,450	29,550	5,100	20.8	20.9%	Growing
Hospitals	11,250	11,600	350	3.2	3.1%	Growing
Nursing and Residential Care Facilities	8,150	8,400	250	3.0	3.1%	Growing
Social Assistance	7,350	8,200	850	11.4	11.5	Growing
Arts, Entertainment, and Recreation	8,150	9,700	1,550	19.4	13.9%	Growing
Accommodation and Food Services	28,750	30,650	1,900	6.7	6.6%	Growing
Other Services (except Government)	14,150	15,450	1,300	9.1	9.2%	Growing
Government	14,350	15,150	800	5.3	5.5%	Growing
Total Federal Government Employment	1,950	1,900	-50	-3.3	-2.5%	Declining
State Government, Excluding Education and Hospitals	1,300	1,200	-100	-7.3	-7.6%	Declining
Local Government, Excluding Education and Hospitals	11,100	12,050	950	8.3	8.6%	Growing
Federal Government, Excluding Post Office	900	900	0	0.8	0	Stable
Total Self Employed and Unpaid Family Workers, All Jobs	18,700	19,950	1,250	6.5	6.6%	Growing
Total All Industries	302,150	323,550	21,400	7.1	7.0%	Growing

Source: 2022-2032 Industry Employment Projections, NJ Department of Labor and Workforce Development

Lands Most Appropriate for Affordable Housing

An analysis was conducted to determine which areas of the Borough could accommodate developments that address affordable housing need. This analysis reviews the Borough's existing zoning and planned zoning changes, and outlines the Borough's capacity to accommodate residential and non-residential growth projections. The following are included:

- An analysis of the available existing and planned infrastructure;
- The projected demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns; and
- Factors, such as environmental conditions, that present constraints on development.

Infrastructure

Water and Sewer

Bradley Beach Borough is located within public water and sewer service areas. Sewer service is provided by the Township of Neptune Sewerage Authority (TNSA), where Bradley Beach pumps their sewage through a pump station. TNSA currently operates two inlet facilities and three parallel treatment trains. Public water is provided by New Jersey American Water.

Anticipated Demand and Land Use Patterns

The Borough of Bradley Beach contains mainly residential neighborhoods, as well as commercial development primarily located on the western portion and a beach area on the eastern portion of the Borough. According to NJTPA population estimates projected to 2050, it is anticipated that the Borough will grow to approximately 4,579 (a 9.2 percent increase) since 2023. As a fully built-out municipality, it is anticipated that Bradley Beach will need to accommodate future population and employment growth as opportunities for redevelopment arise.

Residential

The Borough is predominantly zoned for Single Family housing in zones R-1 and R-B along the entire Borough. Currently, higher-density residential areas are concentrated on the eastern and western portions of the Borough, along the commercial area on the west and along the beach on the east. All non-residential zones and R-B Residential Beachfront Zone, permit multi-family development as a principally permitted use. This also exhibits a high propensity toward allowing and encouraging mixed-use development in its downtown area, permitting upper floor apartments in all of the Borough's commercial zones. The current locations permitting apartment and multi-family uses, particularly those within the

Borough's downtown area with proximity to rail transit, are the most appropriate and most logical starting points for building inclusionary multi-family development.

Non-Residential

Bradley Beach has a well-defined commercial area along the western portion of the Borough, which runs along Main Street, extending from the north to the south of the Borough. Given the built-out nature of Bradley Beach, new commercial development will most likely take the place of existing tenants or will require some degree of redevelopment to occur on already developed sites. The Borough's GB and GB-W zoning districts permit mixed-use arrangements of residential units above first floor stores and shops illustrates the desire to accommodate residential units within generally non-residential zones to the maximum extent possible given current development patterns.

Environmental Constraints

Bradley Beach enjoys many natural environmental amenities, including the ocean, surrounding lakes, dunes, and wetlands. In order for these environmentally sensitive features to retain their existing quality and perform vital ecosystem functions, the Borough must be conscious of its role as steward of its natural environment. Bradley Beach is home to a stretch of coastline, bordered by Fletcher Lake to the north and by Sylvan Lake to the south. Along the coastal zone there are limited pervious surfaces. Impervious surface contributes to negative environmental outcomes, particularly in coastal communities, by creating high velocity runoff and limiting groundwater recharge during storm events. Given these realities, Bradley Beach must conserve natural features such as dunes and wetlands that can absorb excess stormwater and help filter polluted runoff.

Historic

Bradley Beach is known as a historical shore town, and it currently has three properties listed on the State Register of Historic Places: the Bradley Beach Public Library, the Bradley Beach Railroad Station, and the New York and Long Branch Railroad Historic District. Currently, the Borough has recognized the Bradley Beach Historical Society (BBHS), founded as a nonprofit 501(c)3 organization for the purpose of collecting and preserving local historical data and artifacts for the education and enjoyment of present and future generations. While select properties are targeted for preservation, historic status is not generally a major source of development constraint in Bradley Beach.

Existing Land Use Designations

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted June 28, 2018.

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

Single-Family Residential Zones: R-1 and R-B

The Borough has established one single-family residential zone, and one zone that permits single- and multi-family developments.

R-1 Residential Single-Family Zone

The principal permitted uses are single-family dwellings, public parks and playgrounds and municipal buildings and other public facilities providing services essential to the operation of the Borough. Permitted accessory uses are garage apartments, garages, toolsheds, private swimming pools, fences, signs, an outdoor barbecue structure, and shelter for domestic pets. Churches and places of worship; public, private, or parochial schools; and Bed-and-breakfasts are conditional uses allowed in the R-1 zone.

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

GB General Business Zone

The GB Zone is located east of Main Street. The principal permitted uses are retail business establishments, personal service establishments, business and professional offices, office buildings, public parks and playgrounds, municipal buildings and other public facilities, residential on the second and third floors, and child-care centers. Permitted accessory uses are storage buildings and garages, signs and awnings, parking lots and parking garages, and trash storage and recycling enclosures. Churches, lodges and similar quasi-public uses, telecommunications towers and antennas, and townhouses are conditional uses allowed in the GB zone.

GBW General Business West Zone

The GB Zone is located west of Main Street to the municipal border with Neptune Township and Neptune City. The principal permitted uses are retail business establishments, personal service establishments, business and professional offices, office buildings, public parks and playgrounds, municipal buildings and other public facilities, child-care centers, and residential on the second, third, and fourth floors. Permitted accessory and conditional uses are the same as those permitted in the GB zone.

O-P Office Professional Zone

The O-P Zone is located in the southwest corner of the Borough bordering Neptune City Borough and Avon-by-the-Sea Borough. The principal permitted uses are professional and business offices, apartments on the second and third floors, public parks and playgrounds, municipal buildings and other public facilities, child-care centers, and personal service establishments. Permitted accessory uses are storage buildings and garages, signs and awnings, parking lots and parking garages, and trash storage and recycling enclosures. There are no conditional uses in the O-P zone.

B-O-R Business, Office and Research Zone

The B-O-R Zone is located in the northwest corner of the Borough bordering Neptune Borough. The principal permitted uses are all uses permitted in the GB General Business Zone, as well as manufacturing of products, research laboratories, public parks and playgrounds, and municipal buildings and other public facilities. There are no permitted accessory or conditional uses in the B-O-R zone.

FAIR SHARE PLAN

Fair Share Obligation Summary

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

TABLE 23: FAIR SHARE OBLIGATION SUMMARY

Obligation Component	Number of Credits Required
Present Need	64
Prior Round Obligation (1987-1999)	20
Third Round "Gap" and Prospective Need (1999-2025)	75
Fourth Round Prospective Need (2025-2035)	30

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

Lack of Developable Vacant Land

Given the Borough's relative lack of vacant and developable land, the Borough's ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared a Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. The prepared VLA illustrated a lack of vacant land and a Realistic Development Potential (RDP) of thirteen (13) affordable units.

Satisfaction of the Borough's Rehabilitation/Present Need Obligation

The Borough of Bradley Beach will participate in the Monmouth County Housing Improvement Program, which is administered by the Monmouth County Community Development Block Grant (CDBG) program through an intergovernmental agreement between the Borough and the County. The Borough will fund the program until such time as the funds become available in the Affordable Housing Trust Fund. The Borough anticipates completing approximately six (6) rehabilitations per year to satisfy its obligation.

Satisfaction of the Borough's Realistic Development Potential

The Borough's Realistic Development Potential (RDP) is thirteen (13) units. The Borough

proposes to address this RDP through the construction of affordable housing units, bonus credits, and the use of a mandatory set-aside ordinance. The following projects will satisfy the Borough's RDP:

803 Main Street

An inclusionary development is proposed at 803 Main Street consisting of 21 total units, including four (4) affordable units and seventeen (17) market rate units. Based upon the sites proximity to the Bradley Beach Train Station, this project is eligible for an additional two (2) bonus credits for a total of 6 credits.

Oxford Houses

Bradley Beach maintains an Oxford House for men at 601 Ocean Park Avenue. This site maintains nine (9) beds eligible for men over the age of eighteen (18) years old. Additionally the Borough maintains a second Oxford House (Fletcher Lake) at 404 Newark Avenue, which maintains six (6) beds for men over the age of eighteen (18) years old. Oxford House is a concept and system of self-supported group housing for recovering addicts. This results in a total of fifteen (15) supportive needs beds within the Borough.

TABLE 24: Fourth Round Compliance Plan Summary

Project	Total Number of Units	Number of Affordable Units	Bonus Credits	Total Credits
803 Main Street	22	4	2	6
Oxford House Ocean Park Avenue	9	9	1	10
Oxford House Newark Avenue	6	6	0	6
Total	37	19	3	22

Satisfaction of the Borough's Unmet Need

The Borough's unmet need is 30 units based on the remaining Fourth Round Obligation. The Borough proposes to implement the following mechanisms to address its unmet need:

Mandatory Set-Aside Ordinance ("MSO")

The Borough will adopt a Borough-wide Mandatory Set-Aside Ordinance ("MSO"). The MSO will require a 20 percent (20%) affordable housing set-aside for for-sale residential developments and 15 percent (15%) for rental developments, comprised of five or more dwelling units. The MSO requires that to the extent possible, in all inclusionary developments, low and moderate income units shall be integrated with market units.

The MSO will ensure that the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Bradley Beach or its boards to grant such rezoning, variance, redevelopment

designation or other relief. The existing ordinance with proposed amendments is included herein as Appendix B.

Main Street Commercial District Inclusionary Overlay Zone (MS-CD)

The Borough will adopt an overlay ordinance along Main Street, allowing for mixed use on both the east and west side of the central section of Main Street, but also for stand-alone multi-family development at the north and south ends of Main Street. The ordinance includes the lots within the Borough located in the existing B-O-R Office and Research Zone; lots within the GB, General Business Zone; lots within the GB-W General Business West Zone; and the O-P Office – Professional Zone and will require a 20% affordable housing set aside, with a minimum of one (1) unit. The draft ordinance is included herein as Appendix C.

Affordable Housing/Development Fee Ordinance

The Borough will adopt an amended development fee ordinance for all new non-residential development and new non-inclusionary residential development. The ordinance will also require residential development fees be collected for all residential expansions that increase density pursuant to N.J.S.A. 40:55D-70d(5). The proposed amended ordinance can be found in Appendix D.

APPENDICES

Appendix A Vacant Land Adjustment

Vacant Land Inventory and Analysis Report

Prepared for:
Borough of Bradley Beach
Monmouth County, New Jersey

May 2025

Prepared By:



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I. INTRODUCTION

As noted in N.J.A.C. 5:93, “there may be instances where a municipality can exhaust an entire resource (land, water or sewer) and still not be able to provide a realistic opportunity for addressing the need for low and moderate income housing.” In recognition of the need to provide for the opportunity to adjust municipal affordable housing obligations, N.J.A.C. 5:93 outlines standards and procedures for municipalities to demonstrate that a municipal response to its housing obligation is limited by lack of land, water or sewer. This report outlines the vacant land analysis methodology and summarizes the results of the vacant land analysis prepared on behalf of the Borough of Bradley Beach by Leon S. Avakian Inc (Avakian).

Previous Housing Rounds and Vacant Land Analyses

The Borough of Bradley Beach is a fully developed shore community located in southern Monmouth County. Bradley Beach has not participated in any prior housing rounds.

Current Housing Round and Vacant Land Assessment

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

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

The realistic development potential (RDP) of the Borough’s vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has three (3) suitable sites available for development, and consequently, has an RDP new construction obligation of 13 affordable units.

II. PERMITTED EXCLUSIONS

N.J.A.C. 5:93 establishes criteria by which sites, or portions thereof, in a municipal land inventory may be excluded from a municipality’s RDP. Environmentally sensitive areas, including flood hazard areas, areas within Environmentally Sensitive Planning Areas according to the State Plan Policy Map, areas outside of the Sanitary Sewer Service Area (SSA), wetlands, and areas characterized by steep slopes of greater than 15 percent that render a site unsuitable for affordable housing may be excluded from consideration. In addition, small, isolated lots lacking sufficient acreage to generate an affordable housing set-aside as part of an inclusionary

development may also be excluded. Vacant lots under development or properties for which site plan approval has been granted may also be excluded. Finally, landlocked parcels or sites with limited or no access may also be excluded from the calculation of the Borough's RDP.

The vacant land inventory table in Attachment A provides a parcel-by-parcel description of exclusions that have been made pursuant to N.J.A.C. 5:93.

It should be noted that the Borough is permitted to reserve up to three percent of its total developed and developable acreage, less existing active municipal recreation areas, for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing pursuant to N.J.A.C. 5:93-4.2(e)4. Any such site designated for active recreation in accordance with this section must be purchased and limited to active recreational purposes within one year of substantive certification. Although this calculation has not been completed as part of this analysis, the Borough reserves the right to revise this analysis to complete this calculation.

III. Summary and Conclusion

Based on the procedures for municipal adjustments provided in N.J.A.C. 5:93, the Borough of Bradley Beach's RDP has been determined to be 13 affordable units. This finding is consistent with the Borough's current development conditions.

ATTACHMENT A: VACANT LAND INVENTORY **TABLE**

Borough of Bradley Beach
Vacant Land Adjustment
May 2025

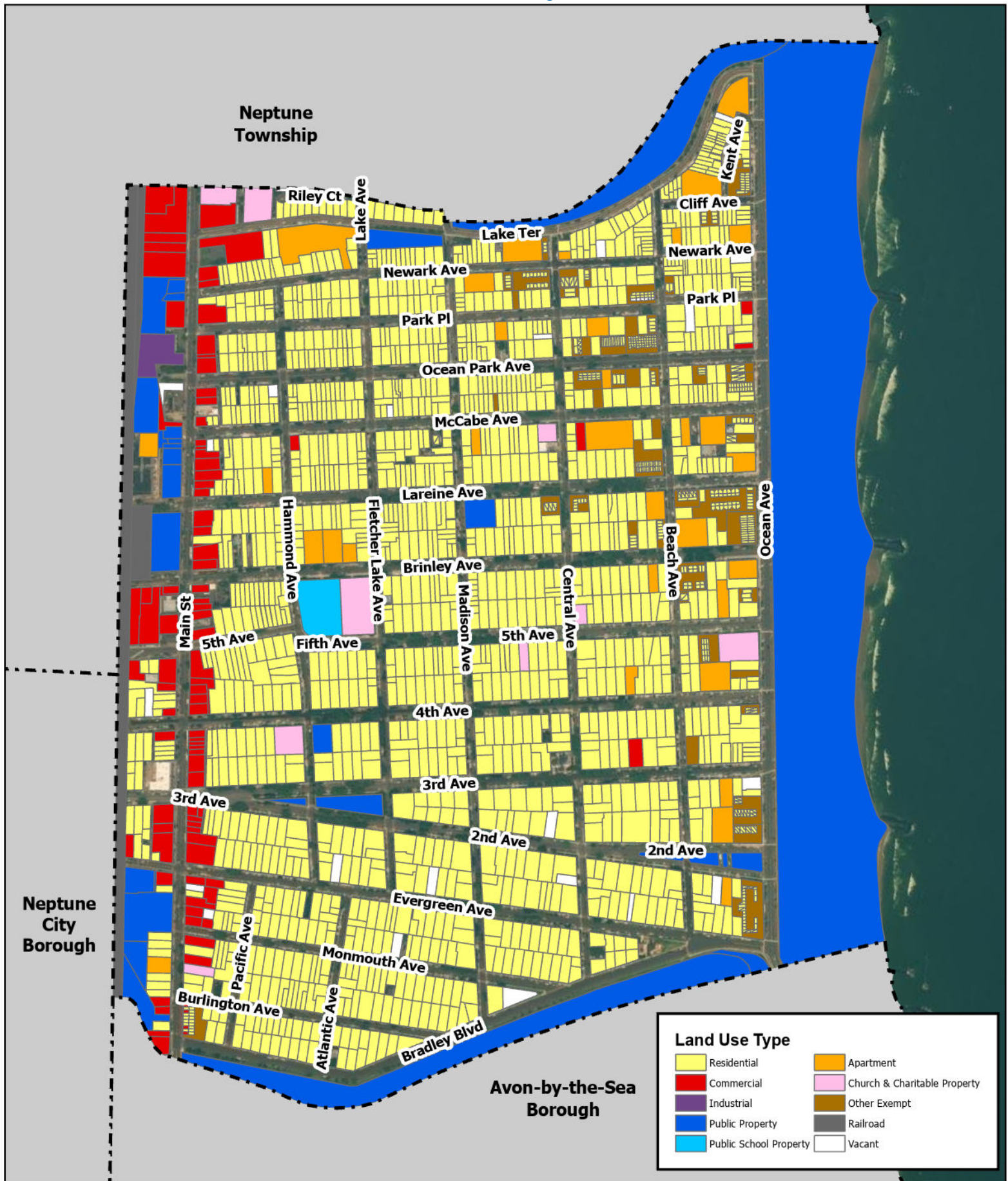
Block	Lot	Class	Location	Owner Name	Area	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for Exclusion	Affordable Units
1	1	15C	LAKE TERRACE REAR (B1, L1)	BORO OF BRADLEY BEACH	0.00	0.00	0.00	0.00	Developable acreage less than 0.8	0.00
2	1	1	LAKE TERR (B 2.1)	OCEAN GROVE CAMPMEETING ASSOCIATION	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
2	2	1	LAKE TERR (B 2.1, 2)	OCEAN GROVE CAMPMEETING ASSOCIATION	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
4.02	1	1	LAKE TERR (B 4.02.1.1)	OCEAN GROVE CAMPMEETING ASSOCIATION	0.04	0.00	0.04	0.00	Developable acreage less than 0.8	0.00
4.02	2	1	LAKE TERR (B 4.02.2)	STRASSBURGER, ALBERT & LINDA	0.05	0.00	0.05	0.00	Developable acreage less than 0.8	0.00
4.03	1	15C	LAKE TERR (B 4.03.1.1)	BORO OF BRADLEY BEACH	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
8	1	15C	LAKE TERR (B 8.1.1)	BORO OF BRADLEY BEACH	0.75	0.75	0.00	0.00	On HOS1, Developable acreage less than 0.8	0.00
9	14	15F	1103-1105 CENTRAL	1103-1105 CENTRAL CONDO	0.07	0.00	0.07	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
11	23	1	111 LAKE TERR	AFRICANO MOT&S & IMBBIACCO, MARY A	0.07	0.07	0.00	0.00	On SFH4, Developable acreage less than 0.8	0.00
12	1	15F	1201 OCEAN AVE	SEA GARIBES CONDO ASSOC.	0.27	0.00	0.27	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
12	3	15F	1205-07 OCEAN AVE	RTG1, LLC C/O CONDO ASSOC.	0.04	0.00	0.04	0.00	Developable acreage less than 0.8	0.00
13	9	15F	109 CLIFF AVE	CONDOMINIUM ASSOC.	0.12	0.00	0.12	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
14	1	15F	1222 PARK PLACE AVE COMMON	CONDOMINIUM ASSOC.	0.08	0.00	0.08	0.00	Developable acreage less than 0.8	0.00
14	19	1	1011 OCEAN AVE	OCEAN AVE BINO, LLC	0.13	0.00	0.13	0.00	Developable acreage less than 0.8	0.00
15	1	15F	221 NEWARK AVE	LAKESIDE @ BRADLEY% E. COAST IDEAL	0.13	0.00	0.13	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
15	4	15F	215 NEWARK AVE	215 NEWARK AVE DEMO LLC	0.05	0.00	0.05	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
15	10	15F	200 PARK PLACE AVE	200 PARK PLACE CONDO ASSOCIATION	0.22	0.00	0.22	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
15	10.13	1	200 PARK PLACE AVE., A	QUINN, THOMAS G. & BARBARA A.	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	10.14	1	200 PARK PLACE AVE., B	YEE, GARRY & LORRAINE TOSIELLO-	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	10.15	1	200 PARK PLACE AVE., C	VERGIL, ROGER L & DIANE	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	10.16	1	200 PARK PLACE AVE., D	SIMON, JEFFREY & NATHANVA G	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	10.17	1	200 PARK PLACE AVE., E	MARKOWITZ, LEWIS M & HEATHER R	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	10.18	1	200 PARK PLACE AVE., F	TBOAN, CAROL A, TRUSTEE	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00
15	17	15F	1002 CENTRAL AVE	1002 CENTRAL AVE CONDO ASSOC.	0.06	0.00	0.06	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
16	4	15F	315 NEWARK AVE	BRADLEY NEWARK PROPERTY LLC	0.07	0.00	0.07	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
16	5	15F	1001 CENTRAL AVE	WATERSIDE CONDO% EAST CST PROP MGT	0.31	0.00	0.31	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
16	11	15F	308 PARK PLACE AVE	SCOCOZZA, ANTHONY	0.08	0.00	0.08	0.00	Developable acreage less than 0.8	0.00
24	6	15F	200 OCEAN PARK AVE	200 OCEAN PARK AVE CONDO ASSOC. INC.	0.33	0.00	0.33	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
24	6.03	1	200 OCEAN PARK AVE	OCEAN PARK AVE CONDO ASSOC. INC.	0	0.00	0.00	0.00	Developable acreage less than 0.8	0.00
24	9.01	15F	911 BEACH AVE	CONDOMINIUM ASSO.	0.05	0.00	0.05	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
24	12	15F	216 OCEAN PARK AVE COMMON	SUNMER WINDS CONDO % TOWNSMEN	0.17	0.00	0.17	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
26	5	15F	111 OCEAN PARK AVE	CONDOMINIUM ASSOC./C/O TOWNSMEN PROP	0.15	0.00	0.15	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
26	8	15F	811 OCEAN AVE	JRN HOME BUILDERS LLC	0.14	0.00	0.14	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
26	9	15F	807 OCEAN AVE	OSCC CONDO ASSOCIATION	0.1	0.00	0.10	0.00	Developable acreage less than 0.8	0.00
26	10	15F	803 OCEAN AVE	803-805 OCEAN AVE, LLC	0.03	0.00	0.03	0.00	Developable acreage less than 0.8	0.00
27	2	15F	215 OCEAN PARK AVE	215 OCEAN PARK CONDO ASSOCIATION	0.24	0.00	0.24	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
27	7	15F	209 OCEAN PARK AVE	209 OCEAN PARK CONDOMINIUMS	0.10	0.00	0.10	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
27	8	15F	205-207 OCEAN PARK AVE	205-207 OCEAN PARK CONDO	0.17	0.00	0.17	0.00	Developable acreage less than 0.8	0.00
27	10	15F	BEACH AVE	CONDOMINIUM ASSOC.	0.07	0.00	0.07	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
27	20	15F	212 MCCABE AVE	212 MCCABE AVE CONDO ASSC	0.11	0.00	0.11	0.00	Developable acreage less than 0.8	0.00
28	27	15F	314 MCCABE AVE	LMORTE, MICHAEL & THERESA	0.06	0.00	0.06	0.00	Developable acreage less than 0.8	0.00
32	6	15C	1107 MAIN ST	BORO OF BRADLEY BEACH	0.89	0.00	0.89	0.00	DPV lot, not developable	0.00
32	7	15C	1015 MAIN ST	BORO OF BRADLEY BEACH	0.15	0.00	0.15	0.00	Developable acreage less than 0.8	0.00
32	8	15C	1011 MAIN ST	BORO OF BRADLEY BEACH	0.10	0.00	0.10	0.00	Developable acreage less than 0.8	0.00
32	15	1	817 MAIN ST	BERRY BRADLEY BEACH, LLC	0.15	0.00	0.15	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	16	15C	725 MAIN ST (REAR)	BORO OF BRADLEY BEACH	0.85	0.00	0.85	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	17.01	1	811 MAIN ST	BRADLEY WEST APARTMENTS, LLC	0.38	0.00	0.38	0.38	Municipal firehouse included	4.00
32	20	15C	725 MAIN ST	BORO OF BRADLEY BEACH	0.14	0.00	0.14	0.00	Municipal volunteer firehouse, Developable acreage less than 0.8	0.00
32	21	15C	721 MAIN ST (REAR)	BORO OF BRADLEY BEACH	0.07	0.00	0.07	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	22	15C	723 MAIN ST	BORO OF BRADLEY BEACH	0.04	0.00	0.04	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	23	15C	721 MAIN ST	BORO OF BRADLEY BEACH	0.06	0.00	0.06	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	27	15C	719 MAIN ST	BORO OF BRADLEY BEACH	0.20	0.00	0.20	0.00	Municipal parking lot, Developable acreage less than 0.8	0.00
32	28	15C	701 MAIN ST	BORO OF BRADLEY BEACH	0.41	0.00	0.41	0.00	Municipal offices & police department, Developable acreage less than 0.8	0.00
33	2	1	617 MCCABE AVE	617 MCCABE AVENUE LLC	0.06	0.00	0.06	0.00	Developable acreage less than 0.8	0.00
37	6	15F	711 BEACH AVE	711 BEACH AVENUE LLC	0.13	0.00	0.13	0.00	Developable acreage less than 0.8	0.00
37	8	15F	200 LAREINE AVE COMMON	CONDOMINIUM ASSOC.	0.38	0.00	0.38	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
38	8	15F	101 MCCABE AVE	MAJKE'S APARTMENT CONDO. ASSOC.	0.09	0.00	0.09	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
38	16	15F	707 OCEAN AVE	CONDOMINIUM ASSOC.	0.13	0.00	0.13	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
39	3	15F	113 LAREINE AVE	THIFANY BY THE SEA CONDO ASSOC.	0.16	0.00	0.16	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
39	5	15F	OCEAN AVE	BEACH PLAZA CONDO ASSOC. C/O SURF	0.69	0.00	0.69	0.00	Condo parking lot, Developable acreage less than 0.8	0.00
39	35	15F	611 OCEAN AVE #106	HARDY, NORMAN N & BARBARA S	0.01	0.00	0.01	0.00	Developable acreage less than 0.8	0.00

[illegible]

ATTACHMENT B: VACANT LAND MAPPING



ATTACHMENT C: EXISTING LAND USE MAP



LEON S. AVAKIAN, Inc.
Consulting Engineers

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized or endorsed.

0 125 250 500 750 1,000 Feet

Existing Land Use **Vacant Land Assessment** **Borough of Bradley Beach** **Monmouth County, New Jersey**

Source: LSA, NJGIN, and Monmouth County GIS.

Revised: March 11, 2025



Appendix B. Mandatory Set Aside Ordinance

DRAFT

ORDINANCE #2025-XX
AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF
THE BOROUGH OF BRADLEY BEACH, CHAPTER 451 ENTITLED “FAIR SHARE
HOUSING – AFFORDABLE HOUSING”

WHEREAS, the Borough Council of the Borough of Bradley Beach has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, to establish a Mandatory Set-Aside Ordinance to promote the creation of low- and moderate-income housing within the Borough.

WHEREAS, The Borough of Bradley Beach has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances.

WHEREAS, The Borough has determined that enacting an Boroughwide Mandatory Set-Aside Ordinance through the establishment regulations to ensure that any site that benefits from rezoning, variance or redevelopment plan approved by the Borough or the Borough’s Land Use Board that results in multi-family residential development of five (5) dwelling units produces affordable housing at a set-aside of 20%, in accordance with the Borough’s Fourth Round Housing Element and Fair Share Plan regarding compliance with the Borough’s affordable housing obligations.

NOW THEREFORE BE IT ORDANIED by the Governing Body of the Borough of Bradley Beach that Chapter 451 of the Borough Code of the Borough of Bradley Beach, be and are hereby amended and supplemented as follows:

BE IT ORDAINED by the Borough Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:

SECTION 1: Amend Chapter 451 to add section 451-4.1 Affordable Housing Mandatory Set-Aside Requirement

- a. If the Borough or the Borough’s Land Use Board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough’s Land Use Board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
- b. This requirement shall apply beginning with the effective date the Ordinance creating this section was adopted to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough’s Land UseBoard, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

- c. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective the Ordinance creating this section was adopted, this requirement shall only apply if the Borough or the Borough's Land Use Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date the Ordinance creating this section was adopted.
- d. Nothing in this section precludes the Borough or the Borough's Land Use Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For all inclusionary projects, the appropriate set-aside percentage will be twenty percent (20%) or a minimum of one (1) unit.
- f. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- g. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with FSHC, or in the Borough's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- h. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units.
- i. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- j. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- k. All inclusionary projects created under this section much comply with the affordable housing requirements in Chapter 35-36 (Affordable Housing Regulations).

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor and Council pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Appendix C. Overlay Zoning

DRAFT

ORDINANCE #2025-XX
AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF
THE BOROUGH OF BRADLEY BEACH, CHAPTER 450 ENTITLED “ZONING”

WHEREAS, the Borough Council of the Borough of Bradley Beach has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Zoning Regulations, to create an Affordable Housing Overlay Zone entitled “Main Street Commercial District Inclusionary Overlay Zone”, (MS-CD) in the County of Monmouth and State of New Jersey, finds as follows:

WHEREAS, The Borough of Bradley Beach has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances.

WHEREAS, The Borough has determined that enacting an overlay zone that requires developers to set aside a portion of constructed housing units, which extends over portions of the Borough’s major thoroughfare, would be a method for ensuring the provision of affordable housing as parcels redevelop.

NOW THEREFORE BE IT ORDNANIED by the Governing Body of the Borough of Bradley Beach that Chapter 450 of the Borough Code of the Borough of Bradley Beach, be and are hereby amends Chapter 450-5 to include the Main Street Commercial District Overlay Zone in the Zoning Districts within the Borough and establish Chapter 450-32 which establishes the zoning district standards as follows:

SECTION 1. Purpose. The purpose of this ordinance is to establish a Main Street Commercial District Inclusionary Overlay Zoning Ordinance that places an overlay zone over specific areas of the Borough. Given the built-out nature of the Borough, an effective affordable housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This ordinance would ensure that residential affordable housing developments accompany major development on tax lots included in the overlay zone. The specific areas included are the portions of the Borough that can realistically accommodate affordable housing development, which are in proximity to public transit and the Borough’s main mixed-use commercial thoroughfares.

The ordinance includes the following lots within the Borough located in the existing B-O-R Office and Research Zone; lots within the GB, General Business Zone; lots within the GB-W General Business West Zone; and the O-P Office – Professional Zone.

The affordable housing overlay zone will regulate said developments through bulk and design standards. However, the Borough’s underlying zoning will still be in effect. This will allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the

development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing (“COAH”) prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Fourth-Round affordable housing obligation.

SECTION 2. A new section entitled “Main Street Commercial District Inclusionary Overlay Zoning” is hereby established as follows:

Main Street Commercial District Inclusionary Overlay Zoning Provisions

- A. Purpose: The purpose of the Main Street Commercial District Inclusionary Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act, and the Housing Element and Fair Share Plan of the Borough of Bradley Beach. Permitted and conditional uses within the designated Overlay Zone shall include all permitted and conditional uses in the underlying zoning district in which the Overlay Zone is located and allow for affordable housing development within the provisions of this section.
- B. Principal Permitted Uses:
 - a. All uses permitted within the underlying zoning district in which the overlay zone is located.
 - b. Affordable housing development for sale or rental housing may include the following uses:
 - i. Mixed Use Buildings that include commercial, restaurant, retail or office space on the ground floor and residential development on the second and third floors for properties that front on Main Street;
 - ii. Multi-family residential units on all three floors for properties that do not front on Main Street.
 - c. Permitted Accessory Uses: Uses that are customary and incidental to multi-family housing, including, but not limited to:
 - 1. Parking
 - 2. Garages
 - 3. Signs
 - 4. Fences
 - 5. Trash Enclosure
 - 6. Temporary construction trailers
 - 7. Utility pump stations, transformers, switches and meter facilities to support the development
 - 8. HVAC units
 - 9. Generators

- d. Bulk regulations: Pursuant to this ordinance for purposes of this Ordinance, Seventh Avenue (Route 71) shall be considered the front yard and any intersecting street shall be considered the side yard
- | | |
|--|------|
| 1. Minimum Lot Frontage (Feet) | 50 |
| 2. Minimum Lot Depth (Feet) | 100 |
| 3. Minimum Front Yard Setback for properties fronting on Main Street (Feet) | 0 |
| 4. Minimum Front Yard Setback for properties with no frontage on Main Street | 10 |
| 5. Minimum Side Yard Setback | 0 |
| 6. Minimum Rear Yard Setback (Feet) | 5 |
| 7. Maximum Height (Stories/Feet) | 3/48 |
| 8. Maximum Building Coverage (Percent) | 90 |
| 9. Maximum Improved Lot Coverage (Percent) | 100 |
- e. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of 5' from all property lines.
- f. All property lines abutting a residential use shall provide a 5-foot landscaped buffer. Said buffer shall not be in addition to the required setback
- g. Area, Yard and Bulk Requirements for Accessory Structures (including parking) & Uses. No accessory structures shall be permitted in the front yard set-back.
- | | |
|---|------|
| 1. Minimum Side Yard Set-back (Feet) | 5 |
| 2. Minimum Rear Yard Setback (Feet) | 5 |
| 3. Minimum Distance Between Accessory and Principal Structures (Feet) | 0 |
| 4. Maximum Height (Stories/Feet) | 1/15 |
- h. Parking
- | |
|----------------------------------|
| 1. Commercial uses - 0 spaces |
| 2. Residential uses - 1.5 spaces |
- C. Affordable housing requirement: A 20% set-aside with a minimum of one (1) unit. All affordable housing developments shall conform to the standards found in the Borough of Bradley Beach's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.
- D. REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

- E. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.
- F. SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.
- G. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

Appendix D. Affordable Housing and Development Fee Ordinances

ARTICLE I

Title; Purpose**§ 451-1. Affordable housing obligation.**

- A. This chapter is intended to assure that low- and moderate-income units (affordable units) are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Borough of Bradley Beach (the Borough) Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan, endorsed by the governing body, describes the ways Bradley Beach shall address its fair share for low- and moderate-income housing as determined by the Department of Community Affairs (the Department) and documented in the Housing Element.
- C. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- D. The Borough shall file monitoring reports with the Department in accordance with N.J.A.C. 5:93, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Department in accordance with N.J.A.C. 5:93 shall be available to the public at the Bradley Beach Municipal Building, Municipal Clerk's Office, 701 Main Street, Bradley Beach, New Jersey, or from the Department at 101 South Broad Street, Trenton, New Jersey, and on the Department's website, www.nj.gov/dca.

ARTICLE II Definitions

§ 451-2. Definitions.

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

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

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

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

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

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

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

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

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

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

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing trust fund.

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

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

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

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

door on the unit entrance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RANDOM SELECTION PROCESS — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over

another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

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

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

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

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

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

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

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

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

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

ARTICLE III Development

§ 451-3. Inclusionary development.

- A. Affordable housing set-aside. All new residential and mixed-use development consisting of five residential units or more shall provide an affordable housing set-aside of no less than 15% of rental units and 20% of units for sale in accordance with N.J.A.C. 5:93, as may be amended and supplemented. This provision is not intended to burden the Borough, its Zoning Board of Adjustment or Planning Board by granting favor to any development application providing affordable housing. All development applications affected by this chapter must adhere to the provisions of the New Jersey Municipal Land Use Law¹ and other statutory criteria as may be required.
- B. Phasing. In all inclusionary developments, the following 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

- C. Design. In all inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- D. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off site shall be in accordance with N.J.A.C. 5:93.
- E. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§ 451-4. New construction.

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

- A. Low/moderate split and bedroom distribution of affordable housing units.
- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements.

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:93.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:93, or evidence that the Borough of Bradley Beach has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Bradley Beach's affordable housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under Subsection B above shall be used by the Borough of

Bradley Beach for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Bradley Beach.
- [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 N.J.A.C. 5:97-3.14 and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Bradley Beach's Affordable Housing Trust Fund in care of the Municipal Treasurer, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

C. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in the Department, utilizing the regional income limits established by the Department.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 10% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.

****NOTE:** N.J.S.A. 52:27D-329.1 (P.L. 2008, c. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very-low-income households, i.e., households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very-low-income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low-income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be

available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

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

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lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

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

ARTICLE IV
Requirements

§ 451-5. Affirmative marketing requirements.

- A. The Borough of Bradley Beach shall adopt by resolution an affirmative marketing plan, subject to approval of the Department, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Department Housing Region 4 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in the Department Housing Region 4 comprised of Mercer, Monmouth and Ocean Counties.
- D. The administrative agent designated by the Borough shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- E. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Bradley Beach.

ARTICLE V Ownership

§ 451-6. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter until the Borough of Bradley Beach elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 451-7. Price restrictions for restricted-ownership units, homeowners' association fees and resale prices.

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements

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shall be those that render the unit suitable for a larger household or the addition of a bathroom.

ARTICLE VI
Income Eligibility

§ 451-8. Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner's association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 451-9. Limitations on indebtedness secured by ownership unit; subordination.

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

ARTICLE VII
Restriction of Rentals

§ 451-10. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter until the Borough of Bradley Beach elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and, prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this chapter, 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.

§ 451-11. Price restrictions for rental units; leases.

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

§ 451-12. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.

- (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

ARTICLE VIII
Administration

§ 451-13. Administration.

A. The position of municipal housing liaison (MHL) for the Borough of Bradley Beach is established by this chapter. The Borough of Bradley Beach Council 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 the Borough of Bradley Beach.
- (2) The person appointed as the MHL must be reported to the Department.
- (3) The MHL must meet all the Department requirements for qualifications, including initial and periodic training.

****NOTE:** If the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g., Borough Clerk, that position can be named in this chapter.

- (4) The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Bradley Beach, including the following responsibilities, which may not be contracted out to the administrative agent:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (b) The implementation of the affirmative marketing plan and affordability controls;
 - (c) When applicable, supervising any contracting administrative agent;
 - (d) Monitoring the status of all restricted units in the Borough of Bradley Beach's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required by the Department;
 - (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 Department.

B. The Borough of Bradley Beach shall designate by resolution of the Borough Council, subject to the approval of the Department, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.

C. An Operating Manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Department. The Operating Manual shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).

****NOTE:** If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this chapter.

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- D. The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which includes:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Department;
 - (2) Affirmative marketing;
 - (3) Household certification;
 - (4) Affordability controls;
 - (5) Records retention;
 - (6) Resale and rental;
 - (7) Processing requests from unit owners; and
 - (8) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - (9) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

ARTICLE IX
Regulations

§ 451-14. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including, but not limited to, foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$100 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Bradley Beach affordable housing trust fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorneys' fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the

proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

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§ 451-15

FAIR SHARE HOUSING – AFFORDABLE HOUSING

§ 451-15

ARTICLE X

Appeals

§ 451-15. Appeals.

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

ARTICLE XI
Overlay Zones
[Added 5-23-2017 by Ord. No. 2017-7]

§ 451-16. Purpose.

This affordable housing overlay zones article is hereby enacted for the purpose of creating additional realistic opportunities for the construction of low- and moderate-income housing in the Borough of Bradley Beach.

§ 451-17. Geographic parameters.

The AH-1 Overlay Zone shall encompass and overlay the O-P Office-Professional Zone west of Main Street, and the AH-2 Zone shall encompass and overlay the portions of the B-O-R Business, Office and Research Zone west of Main Street.

§ 451-18. Affordable housing requirements.

The Planning Board, Zoning Board of Adjustment, or governing body shall, after the effective date of this article, approve an application for a development or redevelopment plan for any residential or mixed-use development in the AH-1 and AH-2 Zones with five or more dwelling units only when the following requirements are complied with:

- A. The development must comply with all aspects of this chapter.
- B. Fifteen percent of rental units and 20% of for-sale units shall be affordable to low- and moderate-income households. Any computation resulting in a fraction of a required affordable housing unit shall be rounded up.
- C. Required low- and moderate-income housing units shall be constructed on site.
- D. Residential development shall adhere to the area and bulk requirements of the zone in which the units are proposed, with the following exceptions:
 - (1) Residential development which complies with all other aspects of this section shall have a maximum permitted density of 14 dwelling units per acre.
 - (2) Pursuant to the regulations of this article, maximum permitted building and impervious coverages shall be in accordance with the following table:

Zone	Maximum Building Coverage	Maximum Impervious Coverage
AH-1	90%	100%
AH-2	55%	85%

- (3) Maximum permitted building height shall be 48 feet, 12 feet greater than the maximum permitted building height of 36 feet in the underlying zone district wherein the development is located. At no time shall the height exceed 48 feet.
- (4) Parking requirements shall comply with Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.

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- E. Affordable dwelling units shall comply with all applicable regulations of the State of New Jersey in addition to all building codes, including, but not limited to, the Council on Affordable Housing (COAH) and Uniform Housing Affordability Controls (UHAC).
- F. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the affordable dwelling unit(s) is located, pursuant to COAH and UHAC regulations.

ARTICLE XII

Fees

[Added 5-23-2017 by Ord. No. 2017-9]

§ 451-19. Purpose.

- A. In *Holmdel Builders Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93.

§ 451-20. Basic requirements.

- A. This article shall not be effective until approved by COAH or the court pursuant to N.J.A.C. 5:93.
- B. The Borough of Bradley Beach shall not spend development fees until COAH or the court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93.

§ 451-21. Definitions.

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

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

COAH or the COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act, which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state. Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (N.J.S.A. 52:14C-1 et seq.), the Governor abolished the Council and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. As such, any and all references to COAH shall mean the Department.

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

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

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

§ 451-22. Residential development fees.

A. Imposed fees.

- (1) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

[Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units, and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.]

B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

§ 451-23. Nonresidential development fees.

A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically

exempted, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

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

§ 451-24. Collection procedures.

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

development fee.

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

§ 451-25. Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of affordable units;

- (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (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 the Borough of Bradley Beach's affordable housing program.
- C. Within seven days from the opening of the trust fund account, the Borough of Bradley Beach shall provide the Department with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:93.
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the court.

§ 451-26. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by COAH or the court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the court to address the Borough of Bradley Beach's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost-saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough of Bradley Beach for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (1) Affordability assistance programs may include downpayment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

- (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Bradley Beach may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§ 451-27. Monitoring.

The Borough of Bradley Beach shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Bradley Beach's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or the court. All monitoring reports shall be completed on forms designed by COAH.

§ 451-28. Ongoing collection of fees.

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

Appendix E. Draft Ordinance Appointing Administrative Agent

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§ 451-XXX Administrative Agent.

The Administrative Agent may be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of 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. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in §§ 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which include:

A. Affirmative marketing:

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

B. Household certification:

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

(7) Notifying the following entities of the availability of affordable housing units in the Borough of Bradley Beach: FSHC, the New Jersey State Conference of the NAACP, the Trenton, Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, and Greater Long Branch branches of the NAACP, Shiloh Baptist Church, the Latino Action Network, and the Supportive Housing Association.

C. Affordability controls:

(1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C 5:80-26.10.

D. Resales and rentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

E. Processing requests from unit owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;

(3) Notifying the Borough of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

(4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

(1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Appendix F. Draft Ordinance Appointing Housing Liaison

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§ 451-XXX: Municipal Housing Liaison.

A. The Borough of Bradley Beach shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Beach shall adopt an ordinance creating the position of Municipal Housing Liaison. Bradley Beach shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee of Bradley Beach. The Municipal Housing Liaison shall be reported to the Superior Court and thereafter posted on the Borough website and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Bradley Beach, including the following responsibilities, which may not be contracted out to the Administrative Agent:

(1) Serving as Bradley Beach's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;

(2) The implementation of the Affirmative Marketing Plan and affordability controls;

(3) When applicable, supervising any contracting Administrative Agent;

(4) Monitoring the status of all restricted units in Bradley Beach's Fair Share Plan;

(5) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;

(6) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

(7) 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.

C. Subject to the approval of the Court, the Borough of Bradley Beach shall designate one or more Administrative Agent(s) to administer and the affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this section. An operating manual for each affordable housing program shall be provided by the Administrative Agent(s), to be adopted by resolution of the governing body and subject to approval of the

Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

Appendix G. Spending Plan

BRADLEY BEACH BOROUGH
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN
May 2025

The Borough has prepared a Fourth Round Housing Element and Fair Share Plan that advances a comprehensive strategy for meeting its regional share of affordable housing need in accordance with the intent of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301), and in accordance with the procedural and substantive requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq. The Borough has actively participated in the Fourth Round compliance process.

The Borough will adopt an amended development fee ordinance, codified as part of the Borough's Revised General Ordinances, to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund at a percentage of 1.5% for residential development and 2.5% for non-residential development. The sections below outline the Borough's plan for the administration and use of collected development fee revenues as per the requirements of N.J.A.C. 5:93-5.1(c).

I. Projected Revenues 2025 through 2035

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

Multiplying the average development fee by the average number of rebuilds per year provides a reasonable estimate for the anticipated annual development fee revenues through 2025. We estimate that Bradley Beach should generate approximately \$92,500 in development fees each year.

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

II. Administrative Mechanisms for Collecting and Distributing Revenues

The Borough's Development Fee Ordinance is recorded in Chapter 451, Subsections 19 through 28 of Bradley Beach's General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

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

III. Anticipated Use of Development Fees

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

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

(A) Anticipated Rehabilitation and New Construction Projects

As discussed in the Housing Element and Fair Share Plan, Bradley Beach has a rehabilitation present need obligation of 64 units in the Fourth Round. Bradley Beach plans to dedicate an average of \$8,000 per unit to rehabilitation projects. The Borough plans to participate in the County's Rehab Program. At the average cost of \$8,000 per unit, the Borough preliminarily expects to rehabilitate approximately 64 units through 2035, totaling to \$520,000. An outline of these expenditures can be found in Table 3 attached to this Spending Plan.

(B) Affordability Assistance Requirement

The Borough anticipates dedicating \$309,500 to its affordability assistance program.

As per the requirements of N.J.A.C. 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

Table 1. Minimum Affordability Assistance

Projected development fees plus interest, 2025 - 2035	\$1,030,073.59
PROJECTED TOTAL	\$1,030,073.59
Projected minimum affordability assistance requirement (30%)	\$ 309,022.08
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 103,007.36

Affordability assistance programs may include down payment assistance; security deposit assistance; low interest loans; rental assistance; assistance with homeowner's association or condominium fees and special assessments; and assistance with emergency repairs.

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

(C) Administrative Expenses

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

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

Table 2. Maximum Administrative Expenditures

Projected development fees plus interest, 2025-2035	\$1,030,073.59
PROJECTED TOTAL	\$1,030,073.59
Projected maximum administrative expenditures (20%)	\$ 206,014.72

IV. Schedule for New or Rehabilitated Housing Units

The schedule for new or rehabilitated housing units is documented by year in the Projected Expenditures table attached to this Spending Plan.

V. Expenditure Schedule

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

VI. Excess of Funds

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance programs.

VII. Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed within the Affordable Housing Ordinance.

VIII. In Sum

Bradley Beach has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$0 as of January 1, 2025 and anticipates an additional \$1,030,073.59 in revenues, including interest, by December 31, 2035 for a total of \$1,030,073.59. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$33.59, which the Borough will reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are

collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.

