

# **BOROUGH OF BELMAR**

County of Monmouth, New Jersey

## **Ordinance #2026-02 — Summary**

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Introduced for First Reading: February 27, 2026

Public Hearing: March 10, 2026 at 6:30 PM

Location: 601 Main Street, Belmar, NJ

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### **Ordinance Title**

An Ordinance Amending Chapter 39 (Affordable Housing) of the Borough of Belmar Code of Ordinances to Address the Requirements of the Fair Housing Act, the Uniform Housing Affordability Controls (UHAC), and to Comply with the Borough's Round Four Affordable Housing Obligations.

### **Purpose & Background**

This ordinance comprehensively amends and restates Title 39 of the Belmar Code of Ordinances to implement the Borough's Fourth Round affordable housing obligations under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), as amended by P.L. 2024, c. 2 (effective March 20, 2024). It aligns municipal regulations with the requirements of the NJ Department of Community Affairs (DCA), the Division of Local Planning Services (LPS), and the Uniform Housing Affordability Controls (UHAC). The Borough's Planning Board adopted a Fourth Round Housing Element and Fair Share Plan (HEFSP), which this ordinance implements.

### **Key Provisions**

#### **1. Applicability & Scope**

The ordinance applies to all affordable housing developments and units proposed under the HEFSP, including inclusionary developments, 100% affordable projects, and individual affordable units. LIHTC-financed developments must comply with a minimum 45-year affordability control period (30-year compliance + 15-year extended use).

#### **2. Mandatory Set-Aside Requirements**

Any non-single-family development of five or more new housing units created through municipal rezoning, variance, redevelopment plan, or rehabilitation plan with densities at or above six units per acre must include a 20% affordable housing set-aside. Fractional unit calculations allow developers to round up or pay a fractional subsidy into the Affordable Housing Trust Fund. Subdivisions to avoid the threshold are expressly prohibited.

#### **3. Income Categories & Affordability Standards**

The ordinance establishes three income tiers: Very Low-Income ( $\leq 30\%$  of regional median income), Low-Income ( $\leq 50\%$  of regional median income), and Moderate-Income (50%–80% of regional median income). Rental developments must dedicate at least

13% of affordable units for very low-income households. At least 50% of all affordable units must be low- or very low-income.

#### **4. Affordability Control Periods**

Restricted ownership units must remain affordable for a minimum of 30 years. Restricted rental units must remain affordable for a minimum of 40 years (45 years for LIHTC developments). Rehabilitated units carry a 10-year control period. Controls remain in effect despite foreclosure or ownership transfer.

#### **5. Design Standards**

Affordable units must use equivalent building materials and architectural elements as market-rate units of the same type. Restricted units must be interspersed throughout developments (not clustered), must have equal access to communal amenities, and must meet minimum square footage standards. At least 30% of units must be two-bedroom and at least 20% must be three-bedroom in non-age-restricted developments.

#### **6. Affirmative Marketing**

The Borough must adopt an Affirmative Marketing Plan targeting Housing Region 4 (Monmouth, Mercer, and Ocean Counties). Marketing must begin at least 120 days prior to expected occupancy, and applications must be accepted for at least 45 days after initial advertisement. The plan prohibits discrimination based on all classes protected under the NJ Law Against Discrimination. A veterans' preference of up to 50% of rental units may be established by agreement.

#### **7. Development Fees**

Residential developers pay 1.5% of equalized assessed value (EAV); a bonus fee of 6.0% of EAV applies when increased density is granted by variance. Non-residential developers pay 2.5% of EAV for new construction and additions. Affordable housing developments are exempt. Fees are deposited in the Municipal Affordable Housing Trust Fund and may only be spent pursuant to a Court-approved Spending Plan.

#### **8. Municipal Housing Liaison & Administrative Agent**

A Division-approved Municipal Housing Liaison (MHL) must be appointed, responsible for oversight, compliance monitoring, affirmative marketing oversight, and annual AHMS reporting. An Administrative Agent must be designated for each project to handle household certification, affordability controls, recordkeeping, resales, re-rentals, and enforcement.

#### **9. Monitoring & Reporting**

The Borough must submit annual electronic reports to DCA by February 15 of each year detailing all Affordable Housing Trust Fund activity, including sources and amounts of funds collected and expended, through the Affordable Housing Monitoring System (AHMS) portal.

#### **10. Enforcement**

Violations are subject to fines up to \$500 per day, restitution of illegally collected rent, and/or foreclosure. Noncompliance with NJ Housing Resource Center advertising requirements carries fines of \$5,000 (first offense), \$10,000 (second offense), and \$15,000 for each subsequent offense. The municipality may seek foreclosure, eviction, injunctive relief, and other equitable remedies.

## **Effective Date**

This ordinance takes effect upon passage and publication as required by law. All prior ordinances or code provisions inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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*This document is a summary for informational purposes only. For the complete text of Ordinance #2026-02, please contact the Office of the Borough Clerk, 601 Main Street, Belmar, NJ.*