BOROUGH OF UNION BEACH
MONMOUTH COUNTY, NEW JERSEY
PUBLIC NOTICE

The Following was introduced and passed upon first reading at a meeting of the governing body of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, on February 26, 2026. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 650 Poole Avenue, Union Beach on March 19, 2026 at 7:00 p.m.

ORDINANCE NO. 2026-371

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO PERMIT THE ADOPTION OF AN ADMINISTRATIVE AGENT IN ACCORDANCE WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

WHEREAS, the Borough of Union Beach adopted a Fourth Round Housing Element and Fair Share Plan on or about June 25, 2025, in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (P.L. 2024, c.2) and N.J.A.C. 5:99; and,

WHEREAS, the Borough is adopting a new section of the Borough Code entitled Chapter 14, "Affordable Housing,"; and,

WHEREAS, the Borough is required to adopt an ordinance to establish standards of an administrative agent for the Borough of Union Beach who is appointed for the sole purpose of the administration of low- and moderate-income housing on behalf of the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, that the following sections shall be incorporated within the newly entitled Chapter of the Borough Code entitled "Affordable Housing":

SECTION 1. Intent of Administrative Agent.

The Administrative Agent may be an independent entity serving under contract to and reporting to the Borough. The Mayor and Council shall appoint the Administrative Agent by resolution and reserve the right to remove or replace the Administrative Agent in accordance with applicable law and the terms of any contract governing such appointment.

For new sales 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. Said fee shall not exceed the maximum permitted under applicable Uniform Housing Affordability Controls (UHAC) regulations. That fee shall be collected at closing and paid directly to the Administrative Agent.

SECTION 2. Duties and Responsibilities of the Administrative Agent

The Administrative Agent shall perform the duties and responsibilities set forth in UHAC regulations (including those set forth at §§ 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 Union 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 Union 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 Union 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 rerentals

(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 rerental; 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 rerental.

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.

(4) The Administrative Agent shall act in accordance with all applicable Court orders governing the Borough's affordable housing obligations and any directives issued pursuant thereto.

SECTION 3. CODIFICATION.

The Borough Clerk and Borough Attorney are authorized to renumber and codify the provisions of this Ordinance within Chapter 14 of the Borough Code, as needed, and to make such typographical, formatting, and cross-reference corrections as may be necessary.

SECTION 4. REPEALER

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 5. SEVERABILITY

If any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication according to law.

Ordinance No. 2026-371 was introduced on First Reading by Councilman Lewandowski and seconded by Councilman Andreuzzi and approved by the Roll Call Vote.