

# DASTI & STAIGER

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File No. GL-3355

March 5, 2026

VIA ECOURTS

The Honorable Sean D. Gertner, J.S.C.  
Ocean County Courthouse  
118 Washington Street  
Toms River, NJ 08753

**Re: IMO the Application of the Ocean Township  
Docket No. OCN-L-221-25**

Dear Judge Gertner:

As you are aware this Firm represents the Township of Ocean in the above-referenced matter. Pursuant to the January 30, 2026 Consent Order, enclosed please find the following:

1. Ordinance 2026-7 Adopting the Fourth Round Affordable Housing Ordinance;
2. Ordinance 2026-8 repealing and replacing other provisions of the Township Code regarding affordable housing;
3. Resolution 2026-106 adopting the Township's marketing plan; and
4. Resolution 2026-107 adopting the Township's spending plan.

I thank the Court for its attention to this matter.

Respectfully submitted,

*s/Christopher J. Dasti*

CHRISTOPHER J. DASTI

CJD:lg

Enclosures

cc: Joshua D. Bauers, Esq. – via Ecourts  
Diane Ambrosio, Municipal Clerk – via email  
Michael Cruoglio, Deputy Clerk-via email  
Jason Worth, P.E.-via email  
Robert Dare, P.P.-via email

**ORDINANCE NO. 2026-8**

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY REPEALING CHAPTER 83 OF THE TOWNSHIP CODE ENTITLED "AFFORDABLE HOUSING" AND ARTICLE XXI OF CHAPTER 410 OF THE TOWNSHIP CODE ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"**

**WHEREAS**, the State of New Jersey has adopted an Amended Fair Housing Act at P.L. 2024, c. 2, which provides new Fourth Round affordable housing fair share requirements for each municipality; and

**WHEREAS**, the State has adopted new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:99; and

**WHEREAS**, The New Jersey Department of Community Affairs (DCA) and the Housing and Mortgage Finance Agency (NJHMFA) have adopted new Uniform Housing and Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq; and

**WHEREAS**, in order to maintain compliance with said state regulations regarding affordable housing, the Township of Ocean (the "Township") must amend certain sections of the Township Code; and

**WHEREAS**, Chapter 410, Article XXIII of the Township Code, entitled "Affordable Housing Development Fees" contains affordable housing provisions based on previous regulations; and

**WHEREAS**, as a result of the Township adopting its new affordable housing ordinance which is replacing Chapter 410, Article XXIII, the Township must repeal Chapter 83 and Article XXI of Chapter 410.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Ocean, County of Ocean and State of New Jersey (the "Township") as follows:

**SECTION 1:**

Chapter 83 of the Township Code entitled "Affordable Housing" is hereby repealed in its entirety.

**SECTION 2:**

Chapter 410, Article XXI entitled "Affordable Housing Development Fees", which is inclusive of Sections 410-170 through 410-178, is hereby repealed in its entirety.

**SECTION 3:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

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

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 17<sup>th</sup> day of February, 2026, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 5<sup>th</sup> day of March, 2026, at 10:00 AM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
**DIANE B. AMBROSIO, RMC, Clerk**  
Township of Ocean

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**RESOLUTION NO. 2026-106**

**A RESOLUTION OF THE TOWNSHIP OF OCEAN,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
ADOPTING AN AFFIRMATIVE MARKETING PLAN  
FOR AFFORDABLE HOUSING UNITS**

**WHEREAS**, the Township of Ocean, County of Ocean, and State of New Jersey (“the Township”) in accordance with the State of New Jersey’s Affordable Housing Law, filed suite for declaratory judgment under Docket No. OCN-L-221-25 captioned In the Matter of Township of Ocean; and

**WHEREAS**, the Township settled its affordable housing litigation with the Fair Share Housing Center; and

**WHEREAS**, a consent order was entered by the Court on January 30, 2026, resolving the matter subject to the Township’s compliance with affordable housing regulations; and

**WHEREAS**, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls (“UHAC”; N.J.A.C. 5:80-26.1 et seq.), the Township of Ocean is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 4, the Housing Region encompassing Monmouth, Ocean and Mercer Counties.

**NOW, THEREFORE, BE IT RESOLVED**, this 5th day of March, 2026, by the Mayor and the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. 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, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor 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 housing region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Municipality is located in Housing Region 4, the Housing Region encompassing Monmouth, Ocean and Mercer Counties.
- B. The Municipality has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Municipality, or the Administrative Agent of any specific developer approved by the municipality.
- D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all

such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Municipality or on behalf of a specific developer, shall meet the following requirements at a minimum:
1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  2. The advertisements shall, at a minimum, include:
    - a. The name and location of the housing project;
    - b. An address sufficient to find directions to the housing units;
    - c. A range of prices or rents for the affordable housing units;
    - d. The sizes, as measured in number of bedrooms of the affordable housing units;
    - e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;

- f. The number of units available to very low-, low-, and moderate-income households;
  - g. The accessibility features, if any, of the affordable housing units;
  - h. The maximum income permitted to qualify for the affordable housing units;
  - i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
  - j. Where applications (paper and online) for the affordable housing units may be found;
  - k. The expected lease-up/closing date(s) for the affordable housing units;
  - l. The expected date of the random selection;
  - m. The business hours when interested households may obtain paper applications for the affordable housing units;
  - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
  - o. The name of the sales agent and/or rental manager; and
  - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules.
  4. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the State of New Jersey.
  5. Affordable units must be listed on the New Jersey Housing Resource Center's website ([www.njhrc.gov](http://www.njhrc.gov)) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
  6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
    - a. All county administration buildings in the Region: Monmouth County (Hall of Records: 1 E. Main St., Freehold, NJ 07728; Human Services Building: 3000 Kozloski Rd., Freehold, NJ 07728; County Clerk's Office: 33 Mechanic St., Freehold, NJ 0772), Mercer County (McDade Administration Building 640 South Broad Street, Trenton, NJ 08650); Ocean County

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(Administration Building 101 Hooper Avenue, Toms River, NJ 08753)

- b. All county libraries in the Region.
7. Notices or flyers of must be provided to the following organizations: Fair Share Housing Center; the Latino Action Network; the New Jersey State Conference of the NAACP, the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, Ocean County/Lakewood, and Trenton Branches of the NAACP, Senior Citizens United Community Services (SCUCS), Solutions To End Poverty Soon (STEPS), OCEAN, Inc. and the Supportive Housing Association.
  8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Monmouth, Mercer and Ocean\_Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
  - H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Monmouth, Mercer and Ocean Counties that will aid in the affirmative marketing program.
  - I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 4, which is comprised of Monmouth, Mercer and Ocean Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified

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under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

**BE IT FURTHER RESOLVED** that the appropriate municipal officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Ocean at a meeting held on March 5, 2026, a quorum being present and voting in the majority.

  
Diane B. Ambrosio, RMC, Municipal Clerk

Prepared by:

**DASTI & STAIGER, P.C.**

**RESOLUTION NO. 2026-107**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF OCEAN, COUNTY OF  
OCEAN AND STATE OF NEW JERSEY ADOPTING  
THE FOURTH ROUND AFFORDABLE HOUSING  
TRUST FUND SPENDING PLAN**

**WHEREAS**, the Township of Ocean, County of Ocean, and State of New Jersey (“the Township”) in accordance with the State of New Jersey’s Affordable Housing Law, filed suite for declaratory judgment under Docket No. OCN-L-221-25 captioned In the Matter of Township of Ocean; and

**WHEREAS**, the Township settled its affordable housing litigation with the Fair Share Housing Center; and

**WHEREAS**, a consent order was entered by the Court on January 30, 2026 resolving the matter subject to the Township’s compliance with affordable housing regulations; and

**WHEREAS**, as part of the regulations required the Township update and adopt its new Affordable Housing Spending Plan; and

**WHEREAS**, a copy of the Spending Plan is on file in the office of the Township Clerk and can be viewed during normal business hours.

**NOW THEREFORE BE IT RESOLVED** this 5<sup>th</sup> day of March, 2026, by the Mayor and Township Committee of the Township of Ocean, County of Ocean, and State of New Jersey as follows:

1. The Township hereby adopts the Affordable Housing Trust Fund Fourth Round Spending Plan, a copy of which is on file in the office of the Township Clerk and can be viewed during normal business hours. .

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Kenneth Baulderstone, Mayor
- (b) Diane Ambrosio, Township Administrator/Clerk
- (c) Jason Worth, P.E., Township Engineer
- (d) Robert Dare, P.P., Affordable Housing Planner
- (e) Christopher J. Dasti, Esq., Township Attorney

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on March 5, 2026, a quorum being present and voting in the majority.

  
DIANE AMBROSIO, Township Clerk

Prepared by:

**DASTI & STAIGER, P.C.**