

**LOCAL LAW 11 OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO RE-ESTABLISH SECTION 360, ARTICLE VI EXEMPTIONS FOR HISTORIC PROPERTIES OF THE CITY'S ADMINISTRATIVE CODE**

Sponsored By: Laws & Rules Committee: Alderman:  
Hirsch, Pasti, Mickens, Tierney

**WHEREAS**, the Common Council of the City of Kingston adopted a Local Law in 1998 and then re-adopted in 2004 to establish Exemptions for Historic Properties of the City's Municipal Tax Law, which expired in 2009 and has since been dormant; and

**WHEREAS**, although the prior legislation limited the time frame for each round to 5 years, there is no legislative requirement to set a term; and

**WHEREAS**, the intent of this Local Law is to incentivize the rehabilitation and preservation of the City's rich historic resources via a graduated tax exemption linked to the increase in assessed value of the rehabilitated property, as enabled by New York State laws; and

**WHEREAS**, re-adoption of this program would make the tax incentive accessible to nearly 700 historically designated properties throughout the City, representing approximately 8% of the City's 8,657 total parcels and is viewed as an investment in the community; and tax incentivized preservation programs are time proven tools used to benefit historic resources, community heritage/s, and community identities across New York State and the country; and

**WHEREAS**, re-adoption of the program is considered to be a Type II action under 6 NYCRR 617.5 (c) (33) and is therefore predetermined to have no significant environmental impact; and

**WHEREAS**, the Common Council of the City of Kingston finds it in the best interests of the City to adopt said proposed Local Law in the form attached hereto.

**NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:**

**SECTION 1.** The purpose of this Local Law is to re-adopt City Code Section 360: Article VI Exemptions for Historic Properties of the City's municipal tax code.

**SECTION 2.** The City of Kingston Code, Section 360, Article VI Exemptions for Historic Properties is re-adopted to read as follows in the form attached hereto and made a part hereof.

**SECTION 3.** If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

**SECTION 4.** This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2024

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: Planning - HLPC

DATE: July 29, 2024

Description:

*A RESOLUTION OF THE CITY OF KINGSTON, NY COMMON COUNCIL, A LOCAL LAW.*

Re-establish Section 360: Article VI Exemptions for Historic Properties of the City's Administrative Code, as provided with updated language attached hereto.

Signature: \_\_\_\_\_

Motion by TM

Seconded by SP

Action Required: \_\_\_\_\_

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action X 07.5(c)(33)

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9 <i>Michele Hirsch</i>	✓	
Reynolds Scott Childress, Ward 3 <i>Reynolds Scott Childress</i>	✓	
Sara Pasti, Ward 1 <i>Sara Pasti</i>	✓	
Teryl Mickens, Ward 2 <i>Teryl Mickens</i>	✓	
Robert Dennison, Ward 6 <i>Robert Dennison</i>		

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L+R

**CITY OF KINGSTON**  
**Historic Landmarks Preservation Commission**  
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

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July 29, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Re-Establish City Code Section 360 – Exemptions for Historic Properties

Dear President Shaut:

The Planning and Assessor Departments write to you today seeking to re-establish **§ 360: Article VI Exemptions for Historic Properties** of the city's municipal tax code.

The original Local Law was initially adopted by the Common Council in 1998, and then readopted in 2004. That expired in 2009 and has since been dormant. During the time that the law was in existence, 10 projects took advantage of the program.

Although the pioneer legislation limited the timeframe for each round to 5 years, there is no legislative requirement to set a term. The intent of this law is to incentivize the rehabilitation and preservation of the city's rich historic resources via a graduated tax exemption linked to the increase in assessed value of the rehabilitated property, as enabled by NYS laws.

Readoption of this program would make the tax incentive accessible to nearly 700 historically designated properties throughout the City, representing approximately 8% of the city's 8,657 total parcels.

Viewed as an investment in the community, tax incentivized preservation programs time proven tools used to benefit historic resources, community heritage/s, and community identities across New York State and the Country.

We ask that you forward this to the appropriate committee for review and consideration. Once you have assigned the review to a committee, we will prepare and provide the appropriate Committee Report. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Daniel Baker, City Assessor

CC: S. Noble, Mayor  
B. Graves-Poller, Corp. Counsel  
J. Tuey, Comptroller  
E. Tinti, City Clerk  
E. Dickerman, Historic Preservation Admin.  
J. Edwards, Ald Ward 4, HLPC Liaison

EDITS PROVIDED FOR DISCUSSION

January 5 July 24, 2024

**ARTICLE VI Exemptions for Historic Properties**

[Adopted 12-7-2004 by L.L. No. 5-2004, approved 12-29-2004]

*Editor's Note: Former Art. VI, Exemption for Historic Properties, adopted 6-2-1998 by L.L. No. 2-1998, approved 6-10-1998, expired in June 2003.*

**§ 360-35. Legislative intent.**

- A. This real property tax exemption for historic properties is being enacted in order to achieve the following goals:
- (1) to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties;
  - (2) to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the City at this time, which may help to attract and retain businesses in the City of Kingston;
  - (3) to assist homeowners who are interested in restoring their own properties, but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption;
  - (4) to provide financial incentives for investment in low-income residential neighborhoods which may contain landmarked buildings or districts designated within the area;
  - (5) and to provide a concrete benefit to offset the possible financial disadvantage of owning historically or architecturally significant properties which are subject to the regulation of the City's Historic Landmarks Preservation Commission.
- B. The City of Kingston real property tax exemption for historic properties is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Kingston to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Kingston.

**Commented [SC1]:** Reformatted to provide better readability

**§ 360-36. Exemption granted.**

Real property listed on the State and/or National Registers of Historic Places and/or Locally Designated properties and/or properties within Locally Designated Historic Districts or National Historic Districts within the City of Kingston which is altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real

**Commented [SC2]:** Updated to include State and to also differentiate and incorporate districts.

property and special ad valorem levies, subject to and in accordance with the schedule set forth in Subsection A and conditions outlined in Subsection B and § 360-37.

- A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

- B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met:
  1. Such property must be historic, which shall mean that the property has been designated as a local landmark and/or is listed on the State and/or National Registers of Historic Places or is a property that is located in and contributes to the character of a locally, state or nationally designated historic district, which conforms with § 96-a or § 119-dd of the General Municipal Law.
  2. Alteration or rehabilitation of exteriors of historic property must meet guidelines and review standards established in the local preservation law.
  3. Alterations and rehabilitation of exteriors are approved by the City's Historic Landmarks Preservation Commission prior to commencement of work.
  4. Alteration or rehabilitation must be for the purpose of historic preservation. For purposes of qualifying for a real property tax exemption pursuant to this local law, alterations and rehabilitation shall be deemed to be for the purpose of historic preservation if it involves ~~only exterior~~ work that enhances the structural stability or ~~structural-historic~~ integrity of the property.
  5. Alterations or rehabilitation must be commenced subsequent to the effective date of this article.

Commented [SC3]: New language, expanded and more specific

**§ 360-37. Application procedure; approval; assessment roll.**

This exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the State Equalization and Assessment Board. The application shall be filed with the City Assessor on or before the appropriate taxable status date covering City real property. Such exemptions shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this

section. The Assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies for City real property taxation as provided in the schedule established in § 360-36A of this article commencing with the assessment roll prepared on the basis of the taxable status date referred to in this section of this article. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemptions shown in a separate column.

**§ 360-38. Expiration.**

This article shall remain active from the date of effectiveness in perpetuity, unless modified or repealed by further local law of the Common Council of the City of Kingston.

**Commented [SC4]:** As there is no requirement to have any term associate with the legislation, we are asking that this language be modified to only expire with legislation repealing the local law.

**§ 360-39. When effective.**

This article shall take effect immediately and shall apply to assessment rolls completed on or after such effective date.

### Kingston Historic Property & HLPC Review Statistics

<b>Kingston Historic Properties &amp; HLPC Review Statistics</b>	
<b>Number of parcels in Kingston as of last evaluation in 2020.</b>	8,657
<b>Number of historic properties in Kingston, NY, as of December, 2023</b>	Approximately 700 (8% of total)
<b>Number of properties to benefit if Wilbur &amp; Ponckhockie become historic districts</b>	964 (11% of total)
<b>Number of properties reviewed by the HLPC in 2023</b>	70
<b>Number of properties that took advantage of the local historic preservation tax exemption between 1998 and 2009</b>	10 <i>*This low number is likely due to a lack of community outreach/education for the program when it was active.</i>

**Example Process:** 248 West Chestnut Street (no longer standing) seeks to rehabilitate their newly purchased and badly degraded dwelling. Included in the project is the in-kind replacement of the slate roof and restoration of the original wooden windows.

- Existing Assessed Value: \$750,000.00
- Estimated cost: \$250,000.00.
- Estimated Post project assessed value: TBD by Assessor

To qualify for the historic preservation tax exemption the property owners must do the following:

1. Connect with the Historic Preservation Administrator, prior to the commencement of work.
2. Develop a detailed scope of work.
3. Come before and receive approval by the Historic Landmarks Preservation Commission prior to the commencement of work.
4. Once approved, the owners must fill out Form RP-444-a9/08, accessible from the Historic Preservation Administrator and/or the City Assessor. The HLPC's Preservation Notice of Action, approving the proposed work, must be attached to the form.
5. The City Assessor will determine the post project assessed value and oversee the 10-year graduated tax exemption.