



RECOMMENDATION

Elisa Tinti, City Clerk
City of Kingston
420 Broadway
Kingston, N.Y. 12401

REFERRAL NO: 2024-147
DATE REVIEWED: 11/04/24

Re: Amendment to Section 4015.19 of the City Code – Zoning Statute Amendment

Summary

The City of Kingston is proposing to amend its zoning statute to update its thresholds for determining “affordable housing units” and “workforce housing units.” The change will reduce the affordability thresholds from 80% and 120% of the area median income (AMI) of Kingston Metropolitan Area/Ulster County to 50% and 80% of AMI, respectively.

Materials Submitted for Review:

- Referral Form
- Existing section of zoning statute
- Resolution Committee Report

Recommendations

The Ulster County Planning Board (UCPB) has previously provided staff comments (discussed with the Board) on the affordability levels proposed within the City’s update of its zoning to a form-based code. Staff’s preliminary review of the City’s updating form-based code from 9/30/22 recommended thresholds like those now being proposed as follows:

“Affordable Dwelling Unit – The affordable housing standards should include requirements for a mix of incomes below AMI. Research suggests that the largest lack of affordable housing is for households earning less than fifty percent of AMI. The Affordable Housing Standards should require that, of the required number of affordable units, thirty percent of affordable units are available at fifty percent of AMI and seventy percent of affordable units are available at eighty percent of AMI.”

And

“Workforce Housing Unit – As with affordable dwelling units, rentals and home ownership should be considered at different thresholds. While one hundred percent of AMI may be appropriate for home ownership in this instance, eighty percent of AMI for rentals is recommended.”

As part of that review, staff also proposed amendments to Table 405.19 (see below) similar to staff’s 9/30/22 review for the City Council’s consideration here.

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TABLE 405.19 - Comments Submitted 2022

TABLE 405.19: AFFORDABLE HOUSING	Project Size	Required Affordable / Workforce Housing Units	Maximum Rent
Rental Units or For-Sale Units	6 to 20 units	10% minimum affordable housing units	<p>For 30% of the required Affordable Housing Units for rent, the monthly rent including utilities shall not exceed 30% of the figure that represents 50% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for rent, the monthly rent including utilities or mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 80% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for sale, mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 100% of Ulster County's AMI.</p>
	21 to 49 units	15% minimum affordable housing units	<p>For 30% of the required Affordable Housing Units for rent, the monthly rent including utilities shall not exceed 30% of the figure that represents 50% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for rent, the monthly rent including utilities shall not exceed 30% of the figure that represents 80% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for sale, mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 100% of Ulster County's AMI.</p>
	50 or more units	15% minimum affordable housing units AND	<p>For 30% of the required Affordable Housing Units for rent, the monthly rent including utilities or mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 50% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for rent, the monthly rent including utilities shall not exceed 30% of the figure that represents 80% of Ulster County's AMI.</p> <p>For 70% of the required Affordable Housing Units for sale, mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 100% of Ulster County's AMI.</p>
		10% minimum workforce housing units	The monthly rent including utilities shall not exceed 30% of the figure that represents 100% of Ulster County's AMI.

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	<p>Bonus Height Incentive (any number of units) See Sec 405.20</p>	<p>At least 50% of the area of each bonus story, and 20% minimum of the total units shall be affordable housing units</p>	<p>The monthly rent including utilities or mortgage (plus insurance) payments shall not exceed 30% of the figure that represents 80% of Ulster County's AMI.</p>
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Recommendations

Table 405.19 Affordable Housing Standards

The proposed law did not include an updated version of table 405.19 in the draft and will require updates to reflect the proposed changes.

Required Modification.

The amendment needs to include a revision of Table 405.19. The new thresholds for affordable dwellings and workforce housing units will need to replace the existing thresholds.

Advisory Comment

As discussed above, the data on income and affordability provides clear indications that levels at 80% AMI for rentals will do little to improve affordability for a high percentage of Kingston residents. These rental rates are above the fair market rate for the county. In some sense, the city may be counting on the filtering up process whereby new units allow those to move up to better accommodations and improve vacancy rates and overall ability to find housing.

We would simply state that no amount of rationalization should be applied to labeling units as affordable when they are likely not.

The UCPB asks that the city engage in a comprehensive effort to lower the affordability thresholds below 80% AMI for affordable dwelling units and move similarly to a more reasonable AMI level for its definition of workforce housing units.

Many tools are available to ensure market-rate and affordable housing can be built, including the City's zoning statute, which grants significant clarity and leeway to development in a manner that increases the certainty of approvals, allows greater density, and removes costly improvements such as parking. Others include income averaging on affordability as provided for in Low Income Tax Credit Housing, waiver of fees for affordable units, taxing and pilot policies, and using available public lands to create housing.

Affordable Housing and Data

There is ample evidence of the UCPBs concern that the affordability component of the city's current zoning suffers from an inability to reach those needing assistance or that what was labeled as affordable may not be so. Recent changes in income levels have heightened these concerns. In the last four (4) years, county-wide area median Income has risen by approximately forty (40) percent. In 2022, there was a marked difference in household income between the city and the county. According to the American Community Survey (ACS), in 2022, the median household income in Ulster County was \$77,197, contrasted against the City of Kingston's \$62,071. Additionally, the 2022 ACS data showed that owner-occupied households in the City of Kingston had a median income of \$90,500, while renter households had a median income of \$43,526. Notably, renters are the primary population the City's inclusionary zoning law serves.

Numerous other data sources argue that a different set of standards is needed to adequately meet the affordability requirements for would-be renters and homeowners than the standard 80% of AMI (see [Pattern Out of Reach](#) and Ulster County Housing Action Plan [Kingston](#)).

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These facts cannot be dismissed as immaterial to the City's laudable goal of creating more housing units, a percentage of which would be affordable.

Advisory Comment

As mentioned in the discussion, the UCPB recommends that the city examine data local to the city rather than the region, as the average median income is lower at the city level than at the county level.

Reviewing Officer



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