

COMMUNITY DEVELOPMENT & HOUSING

Tuesday, May 28th, at 6:30 pm.

1. Update from Housing Initiatives
2. Housing Property Tax Exemption - Mayor Noble
3. ADU Tax Exemption - Mayor Noble
4. Good Cause Eviction - Alderman Tierney & Alderwoman Hirsch

OLD BUSINESS

1. Zoning Working Group Guidelines- President Shaut

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CITY OF KINGSTON
Office of the Mayor
mayor@kingston-ny.gov

CD-14

Steven T. Noble
Mayor



May 2nd, 2024

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Housing Property Tax Exemption

Dear President Shaut,

In conjunction with the Office of Housing Initiatives, I am recommending that the Council adopt a new local law that would allow our municipality to exempt newly constructed or converted rental multiple dwelling units where 25% of the units in the structure are affordable between 60-80% AMI. This new state program is called 421-P. I believe this new opportunity will help to spur the building of more housing units in Kingston, helping us to reach our goal of approving 1,000 units of housing by 2029 while also creating much needed affordable housing in our city.

Respectfully Submitted,

Steven T. Noble
Mayor

Local Law ___ of 2024

LOCAL LAW OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK ADOPTING THE 421-P PROPERTY TAX EXEMPTION FOR THE CREATION OF NEW ELGIBLE HOUSING UNITS

Sponsored by: Laws & Rules Committee: Hirsch, Pasti, Mickens, Scott-Childress, Dennison

WHEREAS, Section 421-P of the Real Property Tax Law allows municipalities to exempt newly constructed or converted rental multiple dwelling units in a designated benefit area from taxation and ad valorem levies;

WHEREAS, Section 421-P defines a rental multiple dwelling unit as a structure with ten or more dwelling units;

WHEREAS, Section 421-P defines a qualifying structure as one where 25% the units in said structure are affordable to households between 60-80% AMI, as adjusted for family size, at the time that such households initially occupy such dwelling units,

WHEREAS, the City of Kingston believes that rising housing and rental costs and a lack of diverse housing opportunities for all community members pose a significant challenge to the members of our community; and

WHEREAS, in Resolution 144 of 2022 the City of Kingston Common Council declared a citywide housing emergency in accordance with the provisions of the New York State Emergency Tenant Protection Act; and

WHEREAS, the City of Kingston has completed a comprehensive update to the City's zoning code to promote the development of market-rate, workforce and affordable housing citywide; and

WHEREAS, the City of Kingston Common Council believes that providing for a full range of housing choices throughout the City is essential to promoting the public health, safety, and welfare for people of different income levels in the City; and

WHEREAS, the City of Kingston Common Council believes that providing for a full range of housing choices is vital for economic development and sustaining a diverse local workforce; and

WHEREAS, the City of Kingston Common Council acknowledges the need to permit additional housing throughout the City, as additional multifamily housing will improve housing affordability and accessibility, increase housing choice to support a range of income levels and age groups, reduce racial segregation, improve walkability, and increase the City's tax base; and

WHEREAS, the City of Kingston has set a goal to approve 1,000 new housing units by 2029; and

WHEREAS, The City of Kingston would like to further encourage the creation of new housing citywide by partially exempting their value from any increases in assessed value of the property.

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

SECTION 1. That the City of Kingston adopts 421-p of the Real Property Tax Law; and

SECTION 2. That the City of Kingston designates the entire municipality as the 421-p benefit area; and

SECTION 3. That this exemption shall apply to qualifying rental multiple dwelling units in accordance with the affixed five sections; and

SECTION 4: That property owners shall be eligible to apply for the 421-p exemption once they have received approval from the Planning Department for the creation the qualifying rental multiple dwelling units; and

SECTION 5: That the City of Kingston Assessor shall approve, carry out, and revoke 421-p exemption status in accordance with affixed five sections; and

SECTION 6: That this local law shall take effect immediately.

Submitted to the Mayor this _____ day

Approved by the Mayor this _____ day

of _____ 2024

of _____ 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

421-P Real Property Tax Exemption

City of Kingston

Section 1 - Exemption

- A. The term "rental multiple dwelling" means a structure, other than a hotel, consisting of ten or more dwelling units, where all of the units are rented for residential purposes where:
 - a. 25% of such units, upon initial rental and upon each subsequent rental following a vacancy during the benefit period are affordable to and restricted to occupancy by individuals or families whose household income does not exceed a weighted average of no less than 60% of the area median income and no more than 80% of the area median income, adjusted for household size.
 - b. The income restricted units upon initial rental and upon each subsequent rental following vacancy during the restriction period shall be affordable to and restricted to occupancy by individuals or families whose household income does not exceed 100% AMI, adjusted for household size, at the time that such households initially occupy such dwelling unit.
 - c. The tenant or tenants in an income restricted dwelling unit at the time such restriction period ends shall have the right to lease renewals at the income restricted level until such time as such tenant or tenants permanently vacate the dwelling unit.
- B. No such exemption shall be granted unless the construction of the rental multiple dwelling units was commenced subsequent to the effective date of this local law.
- C. To be eligible for the exemption, any new construction shall take place on vacant, predominantly vacant or underutilized land, or on land improved with a non-conforming use or on land containing one more substandard or structurally unsound dwellings, or a dwelling that has been certified as unsanitary by the local health department.

Section 2 - Calculation of Exemptions

That qualifying rental multiple dwellings shall be wholly exempt from taxation while under construction, subject to a maximum of three years. Such property shall then be exempt for an additional period of 25 years, provided that the exemption percentage during such additional period of 25 years shall be at 96% and shall decrease by 4% each year thereafter.

Taxes shall be paid during the exemption period in an amount at least equal to the taxes paid on such land and any improvements thereon during the tax year preceding the commencement of such exemption.

Section 3 – Application for and grant of exemption

- A. An exemption shall be granted only upon application by the owner of the building on a form prescribed by the Commissioner of the Department of Taxation and Finance. The application shall be filed with the City of Kingston Assessor.

- B. If satisfied that the applicant is entitled to an exemption pursuant to this local law, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date.

Section 4 – Prevailing Wage

- A. All building service employees employed by the covered building at the eligible multiple dwelling shall receive the applicable prevailing wage in accordance with article nine of the labor law for the duration of the benefit period unless they meet the exemption criteria outlined in § 421-p.

Section 5 – Denial and Ongoing Monitoring

- A. No such exemption shall be granted to an applicant who is in violation of any City of Kingston Code, Ordinance, or Local Law or owes property taxes, water or sewer fees, or any other fees or past due monies. Any exemption granted shall be immediately revoked if the applicant accrues violations or unpaid monies. The applicant may reapply for the exemption once all violations have been corrected and/or unpaid monies have been paid.
- B. After receiving approval for an exemption, the Applicant will be subject to ongoing annual monitoring for the entire benefit period to ensure compliance with the provisions for this section.

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CITY OF KINGSTON

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CO+H

Steven T. Noble
Mayor



May 2nd, 2024

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: ADU Tax Exemption

Dear President Shaut,

Last year, as part of the new Zoning Code adoption allowing ADU's, the City also adopted a tax exemption program to support Accessory Dwelling Unit creation in the City of Kingston. As part of the recently enacted budget, our city is now allowed to create a more robust tax exemption program. In conjunction with our Office of Housing Initiatives, I am recommending we adopt this new and improved local law, related to the ADU Tax Exemption Program called 421-p.

Respectfully Submitted,

Steven T. Noble
Mayor

LOCAL LAW OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK OPTING INTO 421-P REAL PROPERTY TAX LAW EXEMPTION FOR THE CREATION OF ACCESSORY DWELLING UNITS

Sponsored by: Laws & Rules Committee: Hirsch, Pasti, Mickens, Scott-Childress, Dennison

WHEREAS, a new section has been added to real property tax called 421-p “Exemption of capital improvements to residential new construction involving the creation of accessory dwelling units,” to exempt capital improvements to residential new construction involving the creation of one more additional residential dwelling units on the same parcel as a preexisting residential unit;

WHEREAS, 421-p is limited to two hundred thousand dollars in increased market value of the property attribute to the creation of the accessory dwelling unit;

WHEREAS, the City of Kingston believes that rising housing and rental costs and a lack of diverse housing opportunities for all community members pose a significant challenge to the members of our community; and

WHEREAS, the City of Kingston has completed a comprehensive update to the City’s zoning code that allows for the creation of accessory dwelling units citywide; and

WHEREAS, new accessory dwelling units will increase the City of Kingston’s housing supply, are an affordable housing options for many low-and-moderate income residents, benefit homeowners by providing an extra income stream, and facilitate efficient use of the City’s existing housing stock; and

WHEREAS, the City of Kingston has taken other steps to encourage accessory dwelling units in the City, including by hosting an accessory dwelling unit design competition; and

WHEREAS, The City of Kingston would like to further encourage the creation of new accessory dwelling units by exempting their value from any increases in assessed value of the property.

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

SECTION 1. That the City of Kingston adopts 421-p of the Real Property Tax Law for the exemption of capital improvements to residential new construction involving the creation of attached and detached accessory dwelling units as defined in the City of Kingston’s Form Based Zoning Code, Section 405.18; and

SECTION 2. That accessory dwelling units subject to 421-p shall be exempt for a period for five years to the extent of one hundred per centum of the increase in assessed values attributable to the residential unit, that in each of the subsequent three years the extent of such exemption shall be decreased by twenty five per centum, and that in each of the subsequent two years the extent of such exemption shall be decreased by a further ten per centum; and

SECTION 3: That property owners shall be eligible to apply for the 421-p exemption once they have received a building permit from the City of Kingston Building Safety Department for the creation of the Accessory Dwelling Unit and have received a Certificate of Occupancy from the City of Kingston Building Safety Department for the accessory dwelling unit; and

SECTION 4: That the City of Kingston Assessor shall approve, carry out, and revoke 421-p exemption status in accordance with 421-p of real property tax law; and

SECTION 5: That no such exemption shall be granted unless the creation of the ADU was commenced subsequent to the effective date of this local law; and

SECTION 6: That no such exemption shall be granted to an applicant who is in violation of any City of Kingston Code, Ordinance, or Local Law or owes property taxes, water or sewer fees, or any other fees or past due monies; and

SECTION 7: That this local law shall take effect immediately.

Submitted to the Mayor this _____ day

Approved by the Mayor this _____ day

of _____ 2024

of _____ 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

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CONT

Tinti, Elisa

From: Hirsch, Michele
Sent: Monday, April 22, 2024 8:20 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Tierney, Michael
Subject: Communication regarding Good Cause Eviction

Dear President Shaut,

After five long years of relentless work, the NYS Legislature has passed Good Cause Eviction in the 2024 NYS Budget. Unfortunately, municipalities beyond New York City will have to opt in individually.

Please accept this communication from myself and Alderman Michael Tierney, for assignment to committee so that we can begin the work to pass a Local Law for Good Cause Eviction here in Kingston so we can bring further tenant protections to our renters. We will have draft documents in the coming weeks.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

Michael Tierney
Alderman, Ward 2

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



May 2nd, 2024

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Good Cause Legislation

Dear President Shaut,

I urge the Kingston Common Council to pass the "Good Cause Eviction" legislation that will be presented at this month's Laws and Rules Committee meeting.

Passing Good Cause Eviction would give tenants in Kingston the right to a lease renewal, and would protect against predatory rent increases and unfair evictions. The legislation stops landlords from removing tenants without an order from a judge, who would decide if an eviction is for a good cause. "Good causes" include failure to pay rent, violating terms of the lease, causing a nuisance, violation of the law, or in the event that the owner is selling the building.

At a time when we are in the midst of both a housing crisis, I believe that passing Good Cause Eviction will not only help protect tenants, it will be beneficial for our City, homeowners and neighborhoods, and good landlords as well. Everyone deserves a safe, secure place to live, and Good Cause Eviction gives tenants the power to demand safe living conditions without fear of retaliation. Housing instability has profound effects on a person's well-being, including physical and mental health, academic success and gainful employment. This legislation would be one step in helping everyone in our community have adequate housing.

Please see the attached sample legislation that was created our Office of Housing Initiatives.

Respectfully Submitted,



Steven T. Noble
Mayor

Local Law ___ of 2024

LOCAL LAW OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK ADOPTING THE GOOD CAUSE EVICTION LAW

Sponsored by: Laws & Rules Committee: Hirsch, Pasti, Mickens, Scott-Childress, Dennison

WHEREAS, New York’s real property law has been amended to include the “good cause eviction law”; and

WHEREAS, the City of Kingston desires to promote residential stability by setting forth grounds upon which a landlord may evict a tenant; and

WHEREAS, residential evictions are known to have long-term impacts on physical and mental health and have lasting impacts on a household’s earnings and access to credit, contributing to future housing instability; and

WHEREAS, in Resolution 144 of 2022 the City of Kingston Common Council declared a citywide housing emergency in accordance with the provisions of the New York State Emergency Tenant Protection Act; and

WHEREAS, the City of Kingston seeks to adopt polices that provide stability and policies that add to the City’s supply of housing; and

WHEREAS, the City of Kingston has completed a comprehensive update to the City’s zoning code to promote the development of market-rate, workforce and affordable housing citywide; and

WHEREAS, the City of Kingston desires to secure greater housing stability while ensuring stability in the City’s rental housing market.

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

SECTION 1. That the City of Kingston opts into Good Cause Eviction as defined under Article 6-A of Real Property Law; and

SECTION 2. That under the authority given to the City of Kingston by Article 6-A, a small landlord shall be defined as a landlord of no more than three units in New York State; and

SECTION 3: That under the authority given to the City of Kingston under Article 6-A, any unit on or within a housing accommodation shall be exempt from the provisions of this article if such unit has a monthly rent 240% above the fair market rent, as published annually by the United States department of housing and urban development and the division of homes and community renewal for Ulster County; and

SECTION 4: That this local law shall take effect immediately.

Submitted to the Mayor this _____ day

Approved by the Mayor this _____ day

of _____ 2024

of _____ 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

**LOCAL LAW ____ OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK PROHIBITING EVICTION WITHOUT GOOD CAUSE**

Sponsored by: Community Development & Housing Committee

WHEREAS in January of 2022, The Common Council of the City of Kingston, New York passed Local Law 1 of 2022 Authorizing the Amendment to Chapter 332 of the Code of the City of Kingston entitle "Rental Properties: to Prohibit Evictions Without Good Cause; and

WHEREAS in March of 2023, the Appellate Court of the Third Division of New York State struck down the City of Albany's local Good Cause Eviction Law due based on state preemption; and

WHEREAS in April 2023; The Common Council of the City of Kingston, New York repealed Local Law 1 of 2022 "Rental Properties: to Prohibit Evictions Without Good Cause, leaving thousands of Kingston tenants without rental protections; and

WHEREAS Renters in the City of Kingston, especially low and moderate income renters are increasingly faced with the refusal of landlords to continue to rent to otherwise credit-worthy tenants and tenants who are otherwise following all applicable laws; and

WHEREAS Non-Renewal of a lease agreement often serves an implied threat against tenants who may be afraid to seek improvements to their domicile or address ongoing maintenance issues obligated to be addressed by the property owner, leading to a severe imbalance of power between tenant and property owner; and

WHEREAS Pursuant to §213- 2(b) of Article 6-A of the Real Property Law of the State of New York, the City of Kingston defines "small landlord," for purposes of this Part, to mean a landlord of no more than one unit anywhere in the State of New York; and

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

SECTION 1. The City of Kingston Adopts §213- 2(a) of Article 6-A of the Real Property Law of the State of New York.

SECTION 2. The City of Kingston Establishes Chapter 331 of the City Code "Residential Rentals Prohibiting Eviction Without Good Cause."

SECTION 3. The City of Kingston Pursuant to §213- 2(b) of Article 6-A of the Real Property Law of the State of New York, the City of Kingston defines "small landlord," for purposes of this Part, to mean a landlord of no more than one unit anywhere in the State of New York.

SECTION 4. Pursuant to §213- 2(a) of Article 6-A of the Real Property Law of the State of New York, the City of Kingston provides that any unit on or within a housing accommodation shall be

exempt from the provisions of this article if it has a monthly rate above three hundred percent of fair market rent as published by the United States Department of Housing and Urban Development and as shall be published for the County of Albany by the New York State Division of Housing and Community Renewal.

SECTION 5. 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 6. This Local Law shall take effect upon filing with the Secretary of State.