

COMMUNITY DEVELOPMENT & HOUSING COMMITTEE MEETING
Tuesday, September 24th at 6:30 pm.

NEW BUSINESS

1. Update from Housing Initiatives
2. Code Change to Redefine Affordable & Workforce Housing - Alderman Tierney & Alderwoman Hirsch
3. Potential Acquisition of Vacant Parcels - B. Starodaj

OLD BUSINESS

1. Discussion of 421-pp

2.RESOLUTION 136 OF 2024

A MEMORIALIZING RESOLUTION OF THE COMMON COUNCIL OF KINGSTON, NEW YORK CALLING FOR THE EXPANSION OF THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL (HCR) TO CREATE A TENANT PROTECTION UNIT (TPU) IN THE HUDSON VALLEY

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CO#11

Tinti, Elisa

From: Tierney, Michael
Sent: Thursday, September 5, 2024 3:03 PM
To: Shaut, Andrea
Cc: Hirsch, Michele; Tinti, Elisa
Subject: Re: Communication for this month: Affordable & Workforce Housing

For clarification that is the form based code.

Michael Tierney
Alderman, Ward 2
Ward2@kingston-ny.gov
845-768-6781
Finance & Audit Committee
Community Development & Housing Committee

From: Tierney, Michael
Sent: Thursday, September 5, 2024 9:43 AM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Hirsch, Michele <Ward9@kingston-ny.gov>; Tinti, Elisa <emtinti@kingston-ny.gov>
Subject: Communication for this month: Affordable & Workforce Housing

Good Morning President Shaut,

On behalf of Alderwoman Hirsch and myself, please accept this communication for the Housing Committee for this month's committees to change the Code of the City of Kingston to redefine affordable and workforce housing. Actual Resolution to follow as soon as possible.

MT

Michael Tierney
Alderman, Ward 2
Ward2@kingston-ny.gov
845-768-6781
Finance & Audit Committee
Community Development & Housing Committee

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Housing
FHA

CITY OF KINGSTON Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

September 5, 2024

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Dear President Shaut:

Please accept this communication to the Common Council to discuss the City's potential acquisition of several vacant parcels to facilitate mixed-use and mixed-income development in support of the City's housing goals.

Under N.Y. Pub. Off. Law § 105(h), I request that any discussion regarding the potential real estate acquisition of this property occur within Executive Session.

Respectfully Submitted,

Bartek Starodaj
Director, Housing Initiatives

Cc: Steve T. Noble, Mayor
E. Tinti, City Clerk
B. Graves-Poller, Corporation Counsel

RESOLUTION ___ of 2024

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK SETTING A PUBLIC HEARING FOR AN EMINENT DOMAIN ACTION FOR PROPERTIES TO BE ACQUIRED IN CONNECTION TO A MIXED-USE HOUSNG DEVELOPMENT IN THE CITY OF KINGSTON

Sponsored by: COMMUNITY DEVELOPMENT & HOUSING
COMMITTEE SCHABOT, TIERNEY, PASTI, EDWARDS, HIRSCH

WHEREAS, The City of Kingston supports efforts to increase housing opportunities and to affirmatively further fair housing in the City at all income levels;

WHEREAS, under Resolution 144 of 2022 the City of Kingston declared a “housing emergency” based on a careful study of local housing conditions;

WHEREAS, the City of Kingston recognizes that the forty two properties listed in Exhibit A encompass three acres that were part of the federally funded urban renewal program in Kingston and that these urban renewal activities were concentrated and most destructive in Kingston’s Rondout neighborhood;

WHEREAS, the City of Kingston recognizes that archival records indicate that urban renewal displaced as many as 361 families, 104 individuals, and 94 businesses in the Rondout’s “Broadway East” project;

WHEREAS, Kingston’s 1961 comprehensive plan proposed “that the current scattering of largely deteriorated stores be replaced by a single, unified, modern, neighborhood shopping center”;

WHEREAS, Under Amendment Number 11 to the Urban Renewal Plan adopted by the Common Council on May 7, 1985, this area was changed to a “Residential-Limited Commercial Mixed Use” designation allowing for a variety of commercial and residential uses”;

WHEREAS, under the current Comprehensive Plan adopted 2015, the Rondout neighborhood is described as one of Kingston’s core urban areas that should be comprised of “mixed-use centers with multifamily residential incorporated with ground floor retails.”

WHEREAS, these parcels were never redeveloped in accordance with the 1961 or 2015 comprehensive plan and remain vacant and underutilized, depressing the economic development potential of the neighborhood and constraining the city's supply of housing;

WHEREAS, to meet the demand for residential and commercial space, the City of Kingston will redevelop the area encompassing the parcels listed in Exhibit A into a mixed-use neighborhood (hereinafter, the "Project.");

WHEREAS, the Project will support approximately 200 housing units with approximately 30,000 square feet of commercial and non-profit space;

WHEREAS, in order to accomplish the Project, it is necessary for the City to acquire the parcels listed in Exhibit A;

WHEREAS, The City of Kingston has determined that the parcels listed in Exhibit A should be acquired by a compulsory acquisition under the provisions of the New York Eminent Domain Procedure Law.

WHEREAS, in order to acquire the aforementioned real property interests by means of eminent domain, the City must comply with the provisions of the New York Domain Procedure Law;

WHEREAS, pursuant to Article 2 of the Eminent Domain Procedure Law, it is required that a public hearing be held prior to any compulsory acquisition in order to inform the public and to review the public use to be served by this project and the impact on the environment and residents of the locality where the proposed project will be constructed;

WHEREAS, Section 204 of the Eminent Domain Procedure Law requires the making of Findings and Determinations concerning the proposed project and requires the publication thereafter of a brief synopsis;

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

SECTION 1. The Director of Housing Initiatives, or his Designee, be deemed Hearing Officer with authority to make Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law.

SECTION 2. That the Hearing Office shall conduct a Public Hearing on October 29th at 6pm at City Hall Council Chambers. During the Hearing, the Hearing Officer shall outline the purpose, proposed location of the Project, and any other information it considers pertinent, including maps and property descriptions of the parcels to be acquired.

SECTION 3. That should a compulsory acquisition of one or more of the subject parcels under the provisions of the New York State Eminent Domain Procedure Law be necessary, upon conclusion of the aforesaid hearings, pursuant to Eminent Domain Procedure Law, the Hearing Officer shall file written Findings and Determinations with the Common Council within 90 days of the conclusion of the Public Hearing provided for in Article 2 of the Eminent Domain Procedure Law.

SECTION 4. That should a compulsory acquisition of one or more of the subject parcels under the provisions of the New York State Eminent Domain Procedure Law be necessary, upon the filing of the Determinations and Findings with the Clerk of the Legislature, the City of Kingston Common Council shall consider whether to adopt or reject said Findings and Determinations.

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

Exhibit A - Properties for Acquisition

Address	SBL	Address	SBL
86 Broadway	56.43-8-19	12 Gallo Dr	56.43-8-38
88 Broadway	56.43-8-20	13 Gallo Dr	56.43-8-50
90 Broadway	56.43-8-21	14 Gallo Dr	56.43-8-39
94 Broadway	56.43-8-24	15 Gallo Dr	56.43-8-51
6 Garraghan Dr	56.43-8-25	16 Gallo Dr	56.43-8-40
8 Garraghan Dr	56.43-8-26	17 Gallo Dr	56.43-8-52
10 Garraghan Dr	56.43-8-27	18 Gallo Dr	56.43-8-41
12 Garraghan Dr	56.43-8-28	19 Gallo Dr	56.43-8-53
14 Garraghan Dr	56.43-8-29	20 Gallo Dr	56.43-8-42
16 Garraghan Dr	56.43-8-30	21 Gallo Dr	56.43-8-54
22 Garraghan Dr	56.43-8-31	22 Gallo Dr	56.43-8-43
24 Garraghan Dr	56.43-8-32	23 Gallo Dr	56.43-8-55
26 Garraghan Dr	56.43-8-33	24 Gallo Dr	56.43-8-44
28 Garraghan Dr	56.43-8-33	25 Gallo Dr	56.43-8-56
30 Garraghan Dr	56.43-8-35	26 Gallo Dr	56.43-8-45
5 Gallo Dr	56.43-8-46	27 Gallo Dr	56.43-8-57
7 Gallo Dr	56.43-8-47	29 Gallo Dr	56.43-8-58
8 Gallo Dr	56.43-8-36	31 Gallo Dr	56.43-8-59
9 Gallo Dr	56.43-8-48	18 Garraghan Dr	56.43-8-63
10 Gallo Dr	56.43-8-37	22-30 Rear Garraghan	56.43-8-60.2

11 Gallo Dr	56.43-8-49	2-18 Rear Garraghan Dr	56.43-8- 60.100
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OLD BUSINESS

CO+H

Tinti, Elisa

From: Starodaj, Bartek
Sent: Wednesday, June 26, 2024 9:54 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Noble, Steve; Baker, Daniel; Mickens, Teryl
Subject: Communication to Council: 421-PP

Dear President Shaut,

Please accept this communication to the Common Council to discuss **421-pp**, a property tax exemption program for newly constructed fully income restricted rental multiple dwellings.

I will forward relevant materials at least 48 hours prior to the Committee meeting.

Thank you,
Bartek

Bartek Starodaj

Director of Housing Initiatives
City of Kingston
420 Broadway
Kingston, NY 12401

Office: 845-334-3928
Mobile: 860-670-8535
bstarodaj@kingston-ny.gov
Exempt304236

kingston.ny.gov/housing

That the City Clerk is directed to send a copy of this resolution to New York State Governor Kathy Hochul, New York State Senator Michelle Hinchey and New York State Assemblymember Sarahana Shrestha.

RESOLUTION 136 OF 2024

A MEMORIALIZING RESOLUTION OF THE COMMON COUNCIL OF KINGSTON, NEW YORK CALLING FOR THE EXPANSION OF THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL (HCR) TO CREATE A TENANT PROTECTION UNIT (TPU) IN THE HUDSON VALLEY.

Sponsored By:

Community Development & Housing Committee:
Alderman Hirsch, Tierney, Edwards,

WHEREAS, On July 28, 2022, the Common Council of the City of Kingston declared a Housing Emergency. That declaration was based on a careful study of municipal housing conditions and allowed the City of Kingston to opt into the Emergency Tenant Protection Act (ETPA) to stabilize rents in buildings constructed before 1974 that have six or more units. In addition to regulating rent increases, ETPA is meant to ensure that the residents in covered buildings receive essential services and protection from eviction, except on specified grounds; and

WHEREAS, the City of Kingston Rent Guidelines Board (KRGB) was appointed to annually review relevant data, hear testimony from tenants, and set rent adjustments in ETPA regulated units; and

WHEREAS, after hearing the testimony of dozens of tenants and experts, and reviewing objective data, the KRGB voted for a negative 15% rent adjustment for one- and two-year leases in November of 2022 to address unaffordability in these ETPA unit; and

WHEREAS, in June 2023, the KRGB voted for a 0% rent adjustment for one- and two-year leases, again after hearing the testimony of dozens of tenants and experts and reviewing objective data. This 0% rent adjustment was intended to apply to the November 2022 negative 15% adjustment set by the Board; and

WHEREAS, in June 2024, the KRGB voted for a second 0% rent adjustment for one- and two-year leases; and

WHEREAS, the Third Department of New York’s Appellate Division ruled to uphold the negative 15% adjustment set by the Board in November 2022; and

WHEREAS, the KRGB has heard testimony from dozens of tenants describing landlord noncompliance with the Third Department’s ruling and failure to comply with the November 2022 or June 2023 rent adjustments set by the KRGB. In some cases, rents have illegally been raised; and

WHEREAS, recent reports have found “massive noncompliance” with the law from landlords of ETPA eligible units in Kingston, specifically that only eight out of sixty-four landlords of ETPA-covered units have even registered with the state; and

WHEREAS, the New York State Homes and Community Renewal (HCR) is responsible for administration of New York State’s rent regulations and the protection of rent regulated tenants; and

WHEREAS, ETPA tenants have testified that they have filed RA-81, RA-89, RA-22.1, RA-90, and Fair Market Rent Appeals forms to attempt to remedy issues surrounding needed repairs, rent overcharges, and other issues. No substantial action has been taken by the New York State Homes and Community Renewal (HCR); and

WHEREAS, the New York State Homes and Community Renewal Tenant Protection Unit’s (TPU) purpose is to preserve affordable housing by detecting and curtailing patterns and practices of landlord fraud and harassment through audits, investigations, and impactful legal actions. The TPU also encourages compliance by informing tenants and owners of their rights and responsibilities under the rent regulation laws; and

WHEREAS, the New York State Homes and Community Renewal does not have an office in the Mid-Hudson Valley, nor does it have an office of the Tenant Protection Unit in the region; and

WHEREAS, tenants have testified that the New York State Homes and Community Renewal has not adequately remedied these situations or enforced compliance with the rent adjustments set by the KRGB in November 2022 and June 2023; and

WHEREAS, the City of Kingston Common Council has taken repeated action to address the housing crisis, including passing Good Cause Eviction laws in 2022 and 2024, passing Rent Stabilization in 2022 but that these local laws require vigorous and sustained enforcement from the New York State to effectively protect tenants and preserve housing stability and affordability; and

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

The Common Council of the City of Kingston calls on the New York State Homes and Community Renewal (HCR) to open a Tenant Protection Unit (TPU) in the Mid-Hudson Valley, in order to enforce the provisions of the Emergency Tenant Protection Act (ETPA) and other rent regulations, and the rent adjustments set by the Kingston Rent Guidelines Board.

BE IT FURTHER RESOLVED:

The Common Council of the City of Kingston further calls on the State Legislature and Governor Kathy Hochull to fully fund a Mid-Hudson Valley Tenant Protection Unit (TPU) and to allocate full funding including money for attorneys, case workers, and support staff, to expand and maintain funding as more Mid-Hudson Valley Municipalities opt into the Emergency Tenant Protection Act and additional tenants are protected, and to maintain funding over time to ensure a Mid-Hudson Valley Tenant Protection Unit (TPU) office can be fully operational moving forward indefinitely.

BE IT FURTHER RESOLVED:

That the City Clerk is directed to send a copy of this resolution to New York State Governor Kathy Hochul, New York State Senator Michelle Hinchey and New York State Assemblymember Sarahana Shrestha.

Submitted to the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2024

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

**THE CITY OF KINGSTON COMMON COUNCIL
COMMUNITY DEVELOPMENT & HOUSING
COMMITTEE REPORT**

DEPARTMENT: _____

DATE: 7/23/24

Description:

A MEMORIALIZING RESOLUTION OF THE CITY OF KINGSTON, NY
COMMON COUNCIL CALLING FOR THE EXPANSION OF
THE NEW YORK STATE HOMES AND COMMUNITY REPAIR (HCR)
TO CREATE A TENANT PROTECTION UNIT (TPU) IN THE HUDSON
HUDSON VALLEY.

Signature _____

Motion by JE

Seconded by MT

Action Required:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Steve Schabot, Chairman, Ward 8		
Jeanne Edwards, Ward 4 <i>Jeanne Edwards</i>		
Sara Pasti, Ward 1 <i>Sara Pasti</i>	✓	
Michael Tierney, Ward 2 <i>Michael Tierney</i>	✓	
Michele Hirsch, Ward 9 <i>Michele Hirsch</i>	✓	

A MEMORIALIZING RESOLUTION OF THE COMMON COUNCIL OF KINGSTON, NEW YORK CALLING FOR THE EXPANSION OF THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL (HCR) TO CREATE A TENANT PROTECTION UNIT (TPU) IN THE HUDSON VALLEY.

WHEREAS, On July 28, 2022, the Common Council of the City of Kingston declared a Housing Emergency. That declaration was based on a careful study of municipal housing conditions and allowed the City of Kingston to opt into the Emergency Tenant Protection Act (ETPA) to stabilize rents in buildings constructed before 1974 that have six or more units. In addition to regulating rent increases, ETPA is meant to ensure that the residents in covered buildings receive essential services and protection from eviction, except on specified grounds; and

WHEREAS, the City of Kingston Rent Guidelines Board (KRGB) was appointed to annually review relevant data, hear testimony from tenants, and set rent adjustments in ETPA regulated units; and

WHEREAS, after hearing the testimony of dozens of tenants and experts, and reviewing objective data, the KRGB voted for a negative 15% rent adjustment for one- and two-year leases in November of 2022 to address unaffordability in these ETPA unit; and

WHEREAS, in June 2023, the KRGB voted for a 0% rent adjustment for one- and two-year leases, again after hearing the testimony of dozens of tenants and experts and reviewing objective data. This 0% rent adjustment was intended to apply to the November 2022 negative 15% adjustment set by the Board; and

WHEREAS, in June 2024, the KRGB voted for a second 0% rent adjustment for one- and two-year leases; and

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WHEREAS, recent reports have found "massive noncompliance" with the law from landlords of ETPA eligible units in Kingston, specifically that only eight out of sixty-four landlords of ETPA-covered units have even registered with the state; and

WHEREAS, the New York State Homes and Community Renewal (HCR) is responsible for administration of New York State's rent regulations and the protection of rent regulated tenants; and

WHEREAS, ETPA tenants have testified that they have filed RA-81, RA-89, RA-22.1, RA-90, and Fair Market Rent Appeals forms to attempt to remedy issues surrounding needed repairs, rent overcharges, and other issues. No substantial action has been taken by the New York State Homes and Community Renewal (HCR); and

WHEREAS, the New York State Homes and Community Renewal Tenant Protection Unit's (TPU) purpose is to preserve affordable housing by detecting and curtailing patterns and practices of landlord fraud and harassment through audits, investigations, and impactful legal actions. The TPU also encourages compliance by informing tenants and owners of their rights and responsibilities under the rent regulation laws; and

WHEREAS, the New York State Homes and Community Renewal does not have an office in the Mid-Hudson Valley, nor does it have an office of the Tenant Protection Unit in the region; and

WHEREAS, tenants have testified that the New York State Homes and Community Renewal has not adequately remedied these situations or enforced compliance with the rent adjustments set by the KRGB in November 2022 and June 2023; and

WHEREAS, the City of Kingston Common Council has taken repeated action to address the housing crisis, including passing Good Cause Eviction laws in 2022 and 2024, passing Rent Stabilization in 2022 but that these local laws require vigorous and sustained enforcement from the New York State to effectively protect tenants and preserve housing stability and affordability; and

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