

A. Affordable Housing Requirements

1. All development shall comply, at a minimum, with the following requirements for affordable housing:
 - a. In any development (including new buildings, substantial rehabilitation of existing structures, adaptive reuse of conversion of a nonresidential use to a residential use, or any combination of these elements) that includes seven or more overall rental housing units, a portion of the units shall be dedicated to affordable housing units, as described in Table 405.19:

TABLE 405.19: AFFORDABLE HOUSING	Project Size	Required Affordable / Workforce Housing Units	Maximum Rent
Rental Units	7 to 19 units	10% minimum affordable housing units	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
	20 to 49 units	10% minimum affordable housing units AND	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
		5% minimum workforce housing units	The monthly rent including utilities shall not exceed 30% of the figure that represents 120% of AMI.
	50 or more units	10% minimum affordable housing units AND	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
		10% minimum workforce housing units	The monthly rent including utilities shall not exceed 30% of the figure that represents 120% of AMI.
	Bonus Height Incentive (any number of units) See Sec 405.20	At least 50% of the area of each bonus story, and 20% minimum of the total units shall be affordable housing units	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.

i. The Affordable Housing requirement may be satisfied through one of the following methods:

1. Inclusion of affordable or workforce housing units as described in 405.19 .A.1(a); or
2. Payment-in-lieu as described in 405.19 .A.1(h).

b. Required affordable or workforce housing units are the percentage of total units in the development. When

calculating required units, any fraction at or above 0.5 shall be rounded up to the nearest whole number, and any fraction below 0.5 shall be rounded down. For example, projects with 7 to 9 total dwelling units will provide one affordable housing unit.

- c. The Maximum Rent for an affordable or workforce housing unit is based on current Area Median Income (AMI), as defined and updated by the U.S. Department of Housing and Urban Development (HUD) with adjustment for household size.
- d. Eligible Households:
 - i. Affordable housing unit: A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 80% of the Area Median Income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent specified in Table 405.19.
 - ii. Workforce housing unit: A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 120% of the Area Median Income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent as specified in Table 405.19
- e. Affordable or workforce housing units shall be dispersed throughout the proposed development and shall be indistinguishable from market-rate units in design, access, appearance, construction, and quality of materials, as determined by the [Planning Administrator](#) (for minor site plans) or the planning board (for major site plans).
- f. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable or workforce housing units shall be provided concurrently with and in proportion to the development of market rent units. For projects with 20 or more units, the proportionate amounts of affordable housing units defined by size and number of bedrooms within the total amount of affordable housing units shall be similar to the proportionate amounts of non-affordable housing units defined by size and number of bedrooms within the total amount of non-affordable housing units in the project.
- g. Affordable or workforce housing units shall continue to comply with the criteria set forth herein for the length of time that the building in question contains residential units.
- h. Payment-in-lieu: The City of Kingston Common Council will adopt criteria setting forth the parameters that the Council will use to consider a request for a payment-in-lieu of providing affordable and workforce housing units. Once these criteria are adopted, a developer may request to make a payment-in-lieu of providing on-site affordable and workforce housing units. Authorization for a payment-in-lieu will be subject to the discretion of the Common Council. The per-unit fee shall be set in a fee schedule established by resolution of the Common Council. The fee, which is due prior to the issuance of a Certificate of Occupancy, will be deposited into an Affordable Housing Fund. The City of Kingston Common Council will adopt criteria setting forth the parameters for how the Affordable Housing Fund will be administered.