

Editor's Note: The Common Council of the City of Kingston adopted the following criteria as part of [Resolution 189 of 2023](#). Any party wishing to request a payment-in-lieu of providing affordable and/or workforce housing units should contact the Office of Housing Initiatives.

Affordable Housing Standards – Payment-in-lieu criteria

Consistent with Chapter 405, Article 4 §405.19, the City of Kingston Common Council may approve the alternative to the construction of new affordable and workforce housing units based upon a review of the proposed project's alignment with the following five criteria. Council members will judge the developer applicant using the following scoring for each of the criteria listed:

- 3 (high level of compliance with the criterion)
- 2 (medium level of compliance with the criterion)
- 1 (low level of compliance with the criterion)
- 0 (criterion not met)

Instructions

Using this matrix, a project would, at minimum, on average need to score 10 or more points to be eligible for the in-lieu payment option as a means of meeting the Affordable Housing Standards. Council members would complete their scores individually, the average score should be 10 or more points across the participating members of the Common Council. For example, if five members of the Committee review a developer's proposal and the average score is 11, the Common Council should approve the in-lieu payment option.

Further, the Council member representing the Ward in which the project is located shall have a 2x weighted score. This means this Council member's score shall be counted twice when calculating the average.

The Office of Housing Initiatives shall be responsible for collecting and summarizing Common Council scores.

Citywide Planning Goals	
Consistency with other development and investment initiatives	The project supports the goals of the City of Kingston's 2025 Comprehensive Plan (see especially Plan Overview, pages 17-30, and Chapter 2, Housing) and other planning and housing initiatives.
Other community benefits	The project's sponsors have committed to providing other community benefits as part of the project buildout, including but not limited to adoption of a municipal housing preference policy, local hiring commitment, or open space standards that exceed those required by the form-based code in Article 6.
Community outreach	The developer has made a good faith effort to collaborate with the Ward's Council member and other community or neighborhood groups to receive community buy-in for the project. At minimum, this should include at least one in-person community meeting with adequate notice and publication.
Neighborhood Context	
Availability of affordable housing	The proposed project is located in an area of the City which provides adequate opportunities for quality affordable housing managed by private, public, or by not-for-profit institutions. In making their case, the developer may show that the surrounding area contains rent stabilized or permanently affordable housing units.
Project Design	
Feasibility	The project would be infeasible or present unreasonable hardship due to project size, site constraints, and/or financial subsidies available.

EXAMPLE I

A developer proposes to build a 10-unit building on Broadway. Under the Inclusionary Zoning standards, the developer requests the in-lieu option because they have clearly indicated they were not able to obtain financing for the subsidy required for the affordable housing unit required for the project. The project would add residential density along the Broadway Corridor, consistent with the goals of the Comprehensive Plan. There is a 20-unit 100% affordable housing development across the street. The developers held two meetings and invited nearby business owners and neighbors to provide feedback on the project.

The average sum of the Common Council's review is 11, exceeding the threshold of 10. Based on the matrix, the Common Council should grant the developer the in-lieu payment.

Citywide Planning Goals		Example Scoring Sheet
Consistency with other development and investment initiatives	The project supports the goals of the City of Kingston's Comprehensive Plan and other planning and housing initiatives.	3/3
Other community benefits	The project's sponsors have committed to providing other community benefits as part of the project buildout, including but not limited to adoption of a municipal housing preference policy, local hiring commitment, or open space standards that exceed those required by the form-based code in Article 6.	0/3
Community outreach	The developer has made a good faith effort to collaborate with the Ward's Council member and/or other community or neighborhood groups to receive community buy-in for the project.	3/3
Neighborhood Context		
Availability of affordable housing	The proposed project is located in an area of the City which provides adequate opportunities for quality affordable housing managed by private,	2/3

	public, or by not-for-profit institutions.	
Project Design		
Feasibility	The project would be infeasible or present unreasonable hardship due to project size, site constraints, and/or financial subsidies available.	3/3
	Total	11/15

EXAMPLE II

A developer proposes to build a 20-unit building on an empty lot near the Historic Stockade Area. The developers have collaborated with the Ward's Council Member on the project and have consulted with the neighbors and historic preservation experts to ensure the project is consistent with historic design principles. By developing an empty lot, the project is also consistent with the goals of the Comprehensive Plan. But the developers have provided weak evidence to show that the project would not be feasible by providing the affordable housing units, and there is an acute deficit of affordable housing opportunities in the Ward. Based on the matrix, the Common Council would not grant the developer the in-lieu payment.

The average sum of the Common Council's review is 8 points, below the threshold of 10. Based on the matrix, the Common Council should deny the developer's in-lieu payment request.

Citywide Planning Goals		Example Scoring Sheet
Consistency with other development and investment initiatives	The project supports the goals of the City of Kingston's Comprehensive Plan and other planning and housing initiatives.	3/3
Other community benefits	The project's sponsors have committed to providing other community benefits as part of the project buildout, including but not limited to adoption of a municipal housing preference policy, local hiring commitment, or open space standards that exceed those required by the form-based code in Article 6.	1/3
Community outreach	The developer has made a good faith effort to collaborate with the Ward's Council member and/or other community or neighborhood groups to receive community buy-in for the project.	3/3
Neighborhood Context		
Availability of affordable housing	The proposed project is located in an area of the City which provides adequate opportunities for quality affordable housing managed by private,	0/3

	public, or by not-for-profit institutions	
Project Design		
Feasibility	The project would be infeasible or present unreasonable hardship due to project size, site constraints, and/or financial subsidies available	1/3
	Total	8/10