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**Tinti, Elisa**

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**From:** Hirsch, Michele  
**Sent:** Friday, February 26, 2021 2:34 PM  
**To:** Shaut, Andrea  
**Cc:** Tinti, Elisa  
**Subject:** Zoning Code update in relation to Accessory Dwelling Units  
**Attachments:** Accessory Dwelling Units in NY.pdf

Dear President Shaut,

In an effort to increase affordable housing units I am respectfully requesting that this communication be accepted for referral to the Laws and Rules Committee.

As we all know, the City of Kingston is in the middle of a housing crisis, we need to increase the number of affordable housing rental units, as quickly as possible. As a February 2, 2021 article in the Daily Freeman noted, the recent Draft Ulster County Housing Action Plan Study revealed a housing crises, worse than expected. Deputy County Executive Evelyn Wright is quoted in saying, "Housing prices are higher than average for several reasons, including a low inventory of housing stock, little construction and opposition in many communities to new housing construction."

As we have seen here in the City of Kingston, going through the process of building new housing stock, is a long and drawn out process.

I am proposing that we look at our current Zoning Code to allow Accessory Dwelling Units in Residential Zones R1, R2 and R3 without a Special Use Permit to align with provisions of the Zoning Code for Accessory Dwelling Units that are currently allowed in the City of Kingston Zoning Code as per § 405-9C(2).

I have attached a recent article about the expansion of Accessory Dwelling Units (ADUs) in New York as it outlines the many benefits of ADUs in communities. While ADUs are allowed by our current zoning code for some residential areas, we should open up this opportunity to more areas, in the City of Kingston.

Thank you.

With kind regards,

Michele Hirsch  
Alderwoman, Ward 9



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# New York ADU Legalization

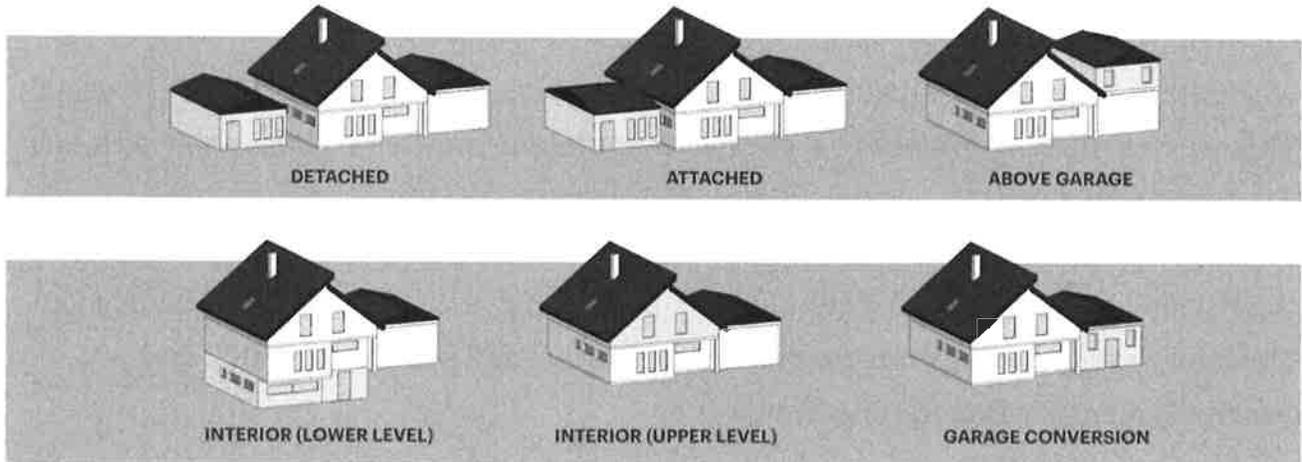
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## Landmark Bill to End Bans on Accessory Homes Across New York State to be Introduced by Assemblymember Epstein and Senator Harckham

Accessory Dwelling Units, Banned in Some Localities, Would Offer Income to Homeowners, New Affordable Housing, and Integration Benefits

NY New York ADU Legalization Jan 27 · 9 min read



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ADUs of ADU's Guide

Illustration credit: "Be My Neighbor," Regional Plan Association.

Albany, NY (January 27, 2021) — A landmark bill to legalize Accessory Dwelling Units (ADUs) across New York State is being introduced by New York State Assemblymember Harvey Epstein and New York State Senator Pete Harckham. ADUs are smaller homes on the same lot as a primary residence — including familiar home types such as “in-law units,” garage conversions, and basement apartments. By giving homeowners the opportunity to create ADUs, the bill will give critical help to both homeowners and renters. ADUs allow homeowners to bring in extra rental income, while growing the tax base for local governments. ADUs create new affordable housing without significantly changing the built character of a neighborhood. And by opening up new, affordable housing options where they don’t currently exist, ADUs can help diversify segregated neighborhoods and towns.

The bill would direct localities to ensure that ADUs are legal under local law, ensuring that local governments have flexibility to design local ADU laws to fit local needs without imposing overly-onerous restrictions on homeowners. The New York State Department of State would work with local governments to make sure local laws meet state requirements and protect both homeowners and renters. And the New York State Division of Housing and Community Renewal would create a financing program to make sure low- and moderate-income homeowners are able to access the benefits of ADUs.

“In the middle of an affordable housing crisis, I am proud to introduce this landmark legislation backed by a strong coalition of organizations and leaders who represent communities throughout the state. While our districts may look different, we hold in common the principles of creating new sources of safe, decent, and affordable housing. That we’re launching this effort in the face of multiple, intertwined crises of health, the economy, and housing is no coincidence. ADU legalization would open up opportunities for hundreds of thousands of affordable units to be placed on the market to beat back the housing crisis, as well as generate more tax revenue to help fill looming budget gaps. I look forward to growing our coalition of supporters and passing this bill,” said **Assemblymember Harvey Epstein**.

“This legislation, which encourages increased legalization of accessory dwelling units to create more affordable housing throughout the state, really looks out for everyone — renters, property owners and municipalities included,” said **State Sen. Pete Harckham**. “In suburban and rural areas especially, more ADUs will give homeowners a safe,

regulated option for added income while also boosting the tax base. This will provide so many benefits to our communities at a time when affordable housing needs are being felt by seniors, working families, teachers, first responders and many others.”

Academic and policy experts agree that ADU legalization could help to address New York’s profound housing crisis. A recent paper from the Furman Center at NYU explains that New York has “fewer homes, more expensive rents, and starker segregation... [driven by] the most exclusionary zoning in the country.” The COVID-19 pandemic has exacerbated this problem, illuminating the need to address overcrowding and provide safe, affordable accommodations in every neighborhood, town, and city. The Regional Plan Association’s recent “Be My Neighbor” report found that legalizing ADU construction and conversions could create over 300,000 new homes just in the Hudson Valley, Long Island, and New York City.

The bill is backed by a broad coalition of housing advocates from across the state, including Asian Americans For Equality, Allied Community Enterprises, Basement Apartments Safe for Everyone (BASE) Campaign, Chhaya CDC, Citizens Housing and Planning Council, CNY Fair Housing, Community Housing Innovations, Cypress Hills LDC, ERASE Racism, Enterprise Community Partners, Fair Housing Justice Center, Habitat for Humanity New York City, Housing Rights Initiative, Open New York, Pratt Center For Community Development, Regional Plan Association, Westchester Residential Opportunities, and more.

“Asian Americans For Equality (AAFE) is proud to have worked together with many of the housing advocates on an Accessory Dwelling Unit (ADU) standardization and legalization bill, which is the de facto affordable housing type for thousands of low-income, and often immigrant, New Yorkers in our neighborhoods,” said **Thomas Yu and Jennifer Sun, Co-Executive Directors of AAFE**. “Tenants who have no other means to afford a place to live need a regulated and protected space, based on the avenues provided in this Bill. Meanwhile, homeowners and primary tenants also will benefit, since they themselves are often living paycheck to paycheck and need extra rental income resiliency. The stresses brought on by pandemic in our neighborhood housing, lay bare that now is the time to make clear legalization pathways for ADUs.”

“For some years, ADUs have captivated me. As the head of non-profit development agencies, I’ve used ADUs to create an additional unit of housing while developing small-

scale developments in northern Westchester. While they should have been easy to accomplish, septic issues and non-standard zoning regulations delayed their approval. Most recently, an application was denied because of lack of parking for “those people” — a clear example of the classism that drives many of our outdated restrictions on ADUs. The extra income that accessory units can provide for first-time homebuyers can make or break the ownership, and allowing two units to be developed on a site rather than one doubles the amount of available public funding. A state plan for legalization of ADUs is more than a law: It merges smart development, helps the forgotten middle, allows for incremental integration, and honors an environmentally friendly way of creating more housing. ADUs can and should be the low-hanging fruit of residential development, be it for naturally occurring affordable housing or subsidized and deed-restricted affordable housing,” said **Joan Arnold, Executive Director of Allied Community Enterprises (ACE)**.

“Due to speculation, a history of redlining, and rising home prices, our communities have been priced out of homeownership for too long. Renting out basements and ADUs in their homes has been one of the only ways our Immigrant communities have been able to buy and afford homes in New York City.” said **Jagpreet Singh, Lead Organizer, Chhaya CDC**. “For the past 15 years, we have been fighting to advocate for New Yorkers who want to legally and safely rent out their basements. We’re excited to see Assemblymember Epstein, a long time friend of the Basement Apartments Safe for Everyone (BASE) campaign, and Senator Harckham take lead on this legislation. With the passage of it, we can expect to see over 100,000 affordable units added in New York City alone, and with the pandemic still raging, now is more important than ever to ensure every New Yorker has an affordable place to call home.”

“The pandemic has shown how safe and affordable housing is fundamental to our health. Increasing the supply of affordable housing is essential to our recovery and this legislation could add thousands of desperately needed units in a way that benefits homeowners and tenants alike,” said **Katherine Leitch, Senior Policy Analyst at Citizens Housing and Planning Council**. “This is smart legislation that leverages regulatory reform to create affordable housing, which may be our most powerful tool while both New Yorkers’ and governments’ budgets are gutted by COVID-19.”

“At CNY Fair Housing, we believe in housing equity for all. For 30 years, we have been fighting against discrimination in housing, only to find that NIMBYism is still alive and thriving. The proposed legislation for ADU’s will provide not only more affordable housing opportunities, it will also creatively assist in resolving housing options for individuals with disabilities and families with children who face higher rates of housing discrimination. For too long, zoning codes and planning commissions have decided whether or not someone has the right to safe, affordable housing — it is time to let individuals decide where they are cared for and where they call home — this can only be achieved if people have more housing options that meet their daily lived experience,” said **Sally Santangelo, Executive Director of CNY Fair Housing**.

“We are thrilled to see bold accessory dwelling unit policy proposed for New York State. For the last two years, Cypress Hills Local Development Corporation has been leading the Basement Apartment Conversion Pilot Program in East New York, Brooklyn. Basement conversions are a commonsense policy to stabilize homeownership and provide affordable rental housing, particularly in low-income and working-class communities like ours. Where these units already exist, a lack of ADU policy has for too long rendered homeowners vulnerable to exorbitant fines, vacate orders, and loss of essential income, while creating unsafe conditions and uncertainty for low-income renters. With communities like East New York on the frontline of the COVID-19 crisis — both in terms of public health and economic impacts — it is imperative that New York State take immediate action to generate additional sources of monthly income for homeowners while creating thousands of units of stable, affordable, healthy, and dignified housing for renters,” said **Ryan Chavez, Program Director of the Basement Apartment Conversion Pilot Program at Cypress Hills Local Development Corporation**.

“The intense racial segregation found on Long Island is the result of decades of home rule: the power of hundreds of local town and village governments to control what may be built in a neighborhood and who is permitted to live there,” said **Elaine Gross, President of ERASE Racism** in Syosset, NY. “With the explicit Fair Housing provisions in this new ADU legislation, affordable and flexible housing options within all Long Island communities would provide more options for People of Color, especially Black families that have been systematically discriminated against. This legislation will help

alleviate these inequities, and would also help existing homeowners struggling to make ends meet.”

“Overcrowded, unsafe, unaffordable homes should not be the status quo in New York City and Westchester County. This legislation, if passed, would create hundreds of thousands of safe, decent and affordable homes for hard-working families, and provide homeowners, particularly lower-income homeowners of color, with the opportunity to earn extra income from their ADU. In this housing crisis, exacerbated by the pandemic, it is our moral imperative to create housing however and wherever we can, and ADUs are a tremendous step in the right direction. We applaud Assemblymember Epstein and Senator Harckham, as well as our partners on the bill, for this first step toward ADU legalization,” said **Karen Haycox, CEO of Habitat for Humanity New York City & Westchester County.**

“The legalization of accessory dwelling units would be a boon for immigrants, families, and seniors. ADUs are an important tool in the tool box that should be leveraged to create affordable housing and combat climate change. New York State has among the most restrictive zoning laws in America. Our communities shouldn’t be keeping people out, they should be letting people in. Legalizing ADUs is the first step in ensuring that New York’s policies match its progressive values,” said **Aaron Carr, Founder and Executive Director of Housing Rights Initiative.**

“We’re thrilled to see this effort to legalize accessory dwelling units across New York State. ADUs can be an important tool for new affordable housing supply and ‘gentle density’ in all types of built environments. New York’s housing crisis can be directly connected to the lack of state action to address racist, classist, and outdated zoning restrictions, and this bill is an important first step to creating a more affordable, integrated New York,” said **Amelia Josephson, board member at Open New York.**

“This ADU Legislation is a huge step forward in the fight to ensure healthy, safe and affordable housing for all. The affordable housing crisis is one that is not easily solved and New Yorkers need all the tools possible to stabilize homeownership and secure quality housing for tenants. As part of the BASE Campaign, Pratt Center has been working for many years with our partners to advance smart, wisely crafted policy that can bring ADUs and basement apartments into the legal housing market and we strongly believe that the legislation that Assembly Member Epstein and Senator Harckham have

introduced is just that. In New York City alone, this legislation could open up an opportunity to convert a multitude of basements and cellars into hundreds of thousands of new units. Most importantly, this legislation creates a pathway for homeowners and tenants of color to participate in housing markets that they have long been shamefully segregated from. We look forward to seeing this create a wealth of opportunity for so many,” said **Rebekah Morris, Senior Program Manager, Pratt Center for Community Development.**

“For our region to thrive equitably, we need to be bold and rethink our situation to meet the needs of a new generation,” said **Tom Wright, President and CEO, Regional Plan Association.** “State and local policy makers must create diverse, new, affordable housing options. Large single-family homes are misaligned with what many people today can afford or need. This is our opportunity to create a model that minimizes strain on infrastructure and undoes the harm exclusionary zoning has inflicted on communities of color.”

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**Mesches, Sue**

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**From:** Tinti, Elisa  
**Sent:** Friday, February 26, 2021 1:13 PM  
**To:** Mesches, Sue  
**Subject:** FW: Current Listing Pros and Cons  
**Attachments:** Pros and Cons New Zoning Code.docx

Please print

*Elisa Tinti*

City Clerk and Registrar  
City of Kingston

(845) 334-3914 Office  
(845) 334-3918 Fax

[Kingston City Clerk Webpage](#)



**From:** Shaut, Andrea  
**Sent:** Friday, February 26, 2021 1:06 PM  
**To:** Tinti, Elisa <[emtinti@kingston-ny.gov](mailto:emtinti@kingston-ny.gov)>  
**Subject:** FW: Current Listing Pros and Cons

Hi Elisa,

Can you include the attached document to the communication I sent in today re: zoning code? It was prepared by the Planning Department.

Thank you,  
Andrea

**From:** Cahill, Suzanne  
**Sent:** Friday, February 26, 2021 9:50 AM  
**To:** Shaut, Andrea <[ashaut@kingston-ny.gov](mailto:ashaut@kingston-ny.gov)>  
**Cc:** DeDea, Kyla <[kdede@kingston-ny.gov](mailto:kdede@kingston-ny.gov)>; Kitchen, Eric <[ekitchen@kingston-ny.gov](mailto:ekitchen@kingston-ny.gov)>  
**Subject:** Current Listing Pros and Cons

All, Look this over, feel free to comment adjust etc..... This is from Kyla and myself although I keep massaging it also.

Suzanne Cahill, Planning Director  
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## New Zoning Code – Pros and Cons

### CONS

- Expensive, will take a lot of work to complete overhaul
- Adjustment period and learning curve with substantial changes

### PROS

- Save Time and Money – On both the applicant side and the City side
  - Potentially reduce redundancy – HLPC, PB and HAC review of the same projects with multiple fees, applications and meetings in same office administration
  - Planning Board reviews can be so widespread – Example – the Planning Board recently reviewed a small deck off the rear of a commercial property which had no impact on use, parking or other site related aspects. The Board also recently reviewed a very small addition to house a required ADA lift on a commercial building with no impact to zoning or other site related issues. Both of these could have been addressed at staff level and proceeded directly to a building permit review and issuance.
  - Potential to eliminate legal issues in the Code – like the requirement for certain building uses to have owner occupancy
- Creates Consistency
  - Example – Rondout Area – Opposite sides of Broadway have different zoning designations with different uses and different review requirements.
  - Clarify definitions which are similar or stated differently in varying Code sections.
- Sets Expectations
  - A new zoning code can incorporate more design guidelines and less focus on specific uses.
  - Use variances should be infrequent.
- Developer/User Friendly
  - Enable City to realign uses with those which are presently not considered and/or don't have specific regulations (i.e. – solar farms, battery storage facilities, requirements for electric vehicles and bike racks, tiny houses, short term rentals, Air BnB's, and other rental issues, etc...)
  - Zoning Code is Outdated. Example – the parking requirements are astronomical for certain uses which require waivers, variances or limit possible uses/density of development.
  - Reduce the overall Number of Zoning Districts and make clearer what uses are allowed in each zone.
- Shared Vision
  - Provide for a Community Identity that provides for flexibility, growth and development in cohesive fashion
  - Carries forward the goals and objectives of the Kingston 2025 Comprehensive Plan.
  - Identifies Kingston as a progressive community, "Re-Envisions" the City.

