

LAWS & RULES COMMITTEE MEETING

Wednesday October 19th 6:30pm.

- 1 - Environmental Bond Act - J. Noble
- 2 - Non-Toxic Landscape Maintenance Plan - J. Noble
- 3 - Revise Code, Disorderly Conduct - B. Graves-Poller
- 4 - Installment Payment Plan Revision - B. Graves-Poller
- 5 - Participation in the UC Housing Smart Communities Initiative - Alderwoman Hill

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: <u>City Clerk</u>	DATE: <u>10/19/2022</u>
Description:	
Signature: _____	

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action

Type II Action

Unlisted Action	
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Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Chairperson		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

City of Kingston
Parks and Recreation Department
ltimbrouck@kingston-ny.gov

L-R

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

September 28, 2022

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

Re: Resolution in Support of 2022 Environmental Bond Act

Dear President Shaut,

This is a request for placement on the agenda of the next appropriate committee to discuss the adoption of a resolution by the Kingston Common Council in support of the Clean Water, Clean Air, Green Jobs Environmental Bond Act (Bond Act) of 2022. A draft Resolution is attached.

On April 9, Governor Kathy Hochul and the New York State Legislature approved an addition to the November 2022 general election ballot of a referendum seeking approval to bond \$4.2 billion dollars (up from \$3 billion first proposed in 2019) for a multi-year investment in clean water, air, wildlife and the environment. The bond act was approved in the 2020 budget for the 2020 ballot, but it was ultimately pulled due to the Covid-19 financial crisis. If approved by the voters, the renamed "Clean Air, Clean Water, and Green Jobs Bond Act" would be the first such act since 1996. Investments from previous bond acts have yielded benefits for every corner of New York, investing in public parks, wildlife conservation, open space preservation, water infrastructure investment, toxic site cleanups and more.

If approved, the Bond Act will fund, among other projects:

- Flood plain restoration and flood risk reduction, including buyouts
- Water quality improvement and resilient infrastructure, including municipal stormwater projects and wastewater infrastructure projects, lead service line replacements and other infrastructure projects
- Open Space land conservation and recreation
- Climate change mitigation, including green infrastructure and renewable energy
- 35% of funds will directly benefit environmental justice communities, of which Kingston qualifies

Thank you for your consideration. I look forward to speaking on behalf of this legislation.

Sincerely,

Julie L. Noble

Environmental Education and Sustainability Coordinator

Cc: Lynsey Timbrouck, Elisa Tinti, Rita Worthington

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks and Recreation

DATE: 9/28/2022

Description

Resolution in support of the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022.

Signature: John L. Noble

Motion by _____

Seconded by _____

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

Resolution supporting the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022

Whereas, providing clean drinking water and protecting our local rivers, bays, lakes, streams and waterfronts from pollution is paramount to quality of life in New York State and the City of Kingston; and

Whereas, modernizing water infrastructure will safeguard clean water, reduce flooding, reduce lead exposure and other public health threats, and create jobs; and

Whereas, Kingston is vulnerable to extreme weather including deadly heat from rising temperatures and flooding from severe storms that put people, properties and public assets across the County at risk; and

Whereas, upgrading transportation and stormwater infrastructure, restoring natural resources, growing urban forests, building green roofs and upgrading cooling centers will reduce the impact of extreme weather, saving lives and money; and

Whereas, the COVID-19 pandemic demonstrated the importance of outdoor recreation and access to fresh, local food, as people flocked to local parks and sought out healthy foods for their families; and

Whereas, upgrades to facilities at state and local parks and preserves and the creation of new outdoor recreational areas will benefit our region by protecting wildlife habitat, providing more people access to nature, and creating jobs in the outdoor recreation economy; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would authorize the four billion and two hundred million dollars of bonds to finance critical environmental restoration, clean water, and infrastructure projects across New York State; and

Whereas, the funds would be targeted towards protecting clean water, reducing flood risk, restoring natural resources, protecting open space and farmland, and reducing the pollution that causes climate change; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 was passed by the New York State Legislature as part of the 2022-23 New York State Budget and will appear on the November 8, 2022, New York State General Election Ballot for voter approval; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 includes strong labor provisions and will support more than 84,000 family-sustaining jobs for New Yorkers; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would enable New York State and Ulster County to address pollution and public health threats in disadvantaged communities by directing at least 35% with a goal of 40% of the measure's funding to address hazardous conditions in such communities; now, therefore, be it

Resolved, that the Common Council of the City of Kingston supports passage of the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022.

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City of Kingston
Parks and Recreation Department
ltimbrouck@kingston-ny.gov

L+R

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

September 27, 2022

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

Re: Non-Toxic Landscape Maintenance Plan

Dear President Shaut,

This is a request for placement on the agenda of the next appropriate committee to discuss the adoption of the City of Kingston Non-Toxic Landscape Maintenance Act as a proposed Local Law.

The draft Local Law, attached, is based exactly on Ulster County Local Law No. 4 of 2009, with this proposal pertaining to the City of Kingston, our jurisdiction. The premise of the Local Law is to prohibit the use of toxic pesticides and herbicides on City owned and leased properties. This Local Law outlines the definitions, intent, enactments, non-compliance, exemptions, waivers, and the designation of the Kingston Conservation Advisory Council as the review and approving body.

This Law deviates from the County law in only one facet, in that it goes further to include the scope of City sidewalks in the areas affected. As a ramification of this, the drafted law also then includes a non-compliance fee, as the Kingston law would then be applicable to not only city operations but also homeowners specifically for sidewalks only and thus a non-compliance fee could be issued.

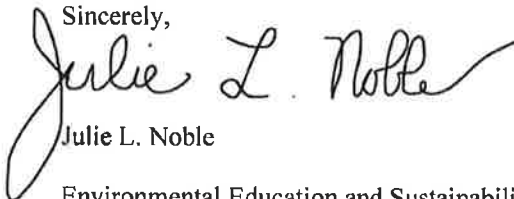
The Kingston CAC has reviewed the legislation over several months and has provided concrete input into its development. Additionally, at the September 13th meeting of the Kingston CAC, the Council adopted a resolution in favor of the legislation and in agreement to serve as the approving body mentioned therein.

I have also reviewed this legislation with the Deputy Superintendent of DPW, who also provided input.

As this request is for legislation for a Local Law which also includes a fee schedule, please consider whether this will need to go before both Laws and Rules and Finance.

Thank you for your consideration. I look forward to speaking on behalf of this legislation.

Sincerely,


Julie L. Noble

Environmental Education and Sustainability Coordinator

Cc: Lynsey Timbrouck, John Tuey, Elisa Tinti, Reynolds Scott-Childress, Rita Worthington, Emilie Hauser, Ed Norman, Ryan Coon, Barbara Graves-Poller

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks and Recreation

DATE: 9/27/2022

Description

Legislation to prohibit the use of toxic pesticides and herbicides on municipal property and city sidewalks, in the City of Kingston.

Signature: _____

John L. Noble

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

Local Law No. XXXX Of 2022

The City of Kingston Non-Toxic Landscape Maintenance Act

City of Kingston

A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The City of Kingston, With Exceptions And Waivers In Appropriate Circumstances

BE IT ENACTED, by the Common Council of the City of Kingston, as follows:

SECTION 1. NAME OF LOCAL LAW.

This law shall be known as "The City of Kingston Non-Toxic Landscape Maintenance Act."

SECTION 2. DEFINITIONS.

For the purpose of this local law the following are defined as follows:

"Natural, Non-Toxic, Least Toxic or Biological Pesticide" shall mean a pesticide that is a naturally occurring substance or microorganism that controls pests in a non-toxic manner, or, if approved by the Conservation Advisory Council, the least toxic method possible.

"Integrated Pest Management" shall mean technique for agricultural disease and pest control in which as many pest control methods as possible are used in an ecologically harmonious manner to keep infestation within manageable limits.

"Non-toxic Pest Management ("NPM")" shall mean a problem-solving strategy that prioritizes a natural, non-toxic approach to turf grass and landscape management without the use of toxic and synthetic pesticides. It mandates the use of natural, non-toxic, or, as a last resort with the Conservation Advisory Council approval, least toxic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential NPM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farmers' Association (NOFA) New York Chapter's Organic Land Care Program as listed in NOFA's Standards for Organic Land Care¹ guidance documents and/or the USDA National Organics Program² and any updates thereof;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;
- using, with the Conservation Advisory Council approval, the least toxic organic, or nontoxic non-organic, products as some organic products are toxic;
- modification of outdoor management practices to comply with organic

¹ https://nofa.organiclandcare.net/wp-content/uploads/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

² <https://www.ams.usda.gov/rules-regulations/organic/handbook>

horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;

- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and
- enhancement of the environment of a pest's natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

"Pest" shall mean (1) any insect, rodent, fungus, weed or (2) any other form of terrestrial or aquatic or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms ordinarily present on or in humans or living animals) which the commissioner of the New York State Department of Environmental Conservation declares to be a pest.

"Pesticide" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

"Sidewalk" shall mean the portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for use of pedestrians.

"Toxic" shall mean any substance that is harmful to human health and the environment. It is recognized that, by their very nature, pesticides and herbicides are toxic to those pests they are designed to eliminate. The concern of this local law is to limit pesticides' toxicity to humans and environmental assets including, but not limited to, water quality, soil quality, and air quality, while preventing pests from multiplying and thereby endangering such protected entities. A pesticides' relative toxicity to humans, water, soil, and air, shall be the standard that should govern the determination as to which pesticides should be utilized.

SECTION 3. LEGISLATIVE INTENT.

The City of Kingston agrees with the determination of the U.S. Environmental Protection Agency (EPA) that "all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue."

The City of Kingston recognizes that all residents, particularly children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides, in particular.

The City of Kingston recognizes that a balanced and healthy ecosystem is vital to the health of the City and its citizens; and as such is also in need of protection from

exposure to hazardous chemicals and pesticides, in particular.

The City of Kingston recognizes that it is in the best interest of public health to eliminate the use of toxic pesticides on City-owned land; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, non-toxic, or as a last resort and with the Conservation Advisory Council approval, least toxic management practices to prevent and when necessary, control pest problems on City-owned and leased land.

Furthermore, per § 358-10B(1) of the City of Kingston municipal code: "*Sidewalk Standards, Maintenance, Cleaning of Sidewalks*" the City of Kingston recognizes that it shall be the duty of any owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks to maintain the sidewalks in front of such respective land "...free from all obstructions, including overgrown vegetation, accumulations of dirt, and from all matter and substances which will obstruct the same or make the same unsafe for pedestrians."

Therefore, the City of Kingston seeks to implement non-toxic pest management (NPM) on City-owned and leased lands, and City sidewalks.

SECTION 4. DECLARATION OF PHILOSOPHY AND PRINCIPLES.

The City of Kingston hereby adopts the precautionary principle (as defined by the Wingspread statement) as the basis for its non-toxic pest management (NPM) policy. The precautionary principle states:

"When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established."

SECTION 5. ENACTMENTS.

BE IT HEREBY RESOLVED, the City of Kingston hereby adopts an NPM policy that mandates the following on all properties where the City and/or any owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks is responsible to maintain the area of concern, including lawns, grassy areas, and sidewalks:

1. that the use and application of toxic chemical pesticides, either by City of Kingston employees or by private contractors, for the purpose of turf and landscape maintenance, is prohibited on all lands maintained by the City of Kingston;
2. that the use and application of toxic chemical pesticides by, or at the behest of, any owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks is prohibited;
2. that, if toxic products must be used, based upon a waiver or exemption, then natural, least toxic turf and landscape cultural practices and maintenance shall be the method of choice to understand, prevent, and control potential pest problems;
3. that all control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the approved list of the Northeast Organic Farming Association of New York or approved by the Conservation Advisory Council;

4. that City of Kingston employees who work with turf grass and the landscape receive education and training in natural, least toxic turf and landscape management to be coordinated by the Conservation Advisory Council, if, in its opinion and discretion, such training is necessary;
5. that a listing of all lands affected by this policy be made available to the public by posting a list on the City website.

BE IT HEREBY RESOLVED that Section § 358-10B of the City of Kingston municipal code: "Sidewalk Standards; Maintenance; Cleaning of Sidewalks" be amended to include the following under Subsection (6):

6. Each and every owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks is responsible to comply with Local Law No. XXXX Of 2022 *The City of Kingston Non-Toxic Landscape Maintenance Act*, a local law requiring non-toxic landscape maintenance on land owned or leased by the City of Kingston, with exceptions and waivers in appropriate circumstances.

SECTION 6. NON-COMPLIANCE

Non-compliance to any clause, sentence, paragraph, subdivision, section or part of this local law shall be met with penalties in the order of \$25 for first offense, \$50 for second offense, and \$100 for third offense and beyond.

BE IT HEREBY RESOLVED that Section § 358-11 "Penalties for Offenses" of the City of Kingston municipal code, Subsection B be amended to include the following under Subsection (D).

- D. Non-compliance to any clause, sentence, paragraph, subdivision, section or part of Local Law No. XXXX Of 2022 *The City of Kingston Non-Toxic Landscape Maintenance Act*, a local law requiring non-toxic landscape maintenance on land owned or leased by the City of Kingston, with exceptions and waivers in appropriate circumstances, shall be met with penalties in the order of \$25 for first offense, \$50 for second offense, and \$100 for third offense and beyond.

SECTION 7. EXEMPTIONS.

All turf and landscape pest management activities taking place on land maintained by the City of Kingston and/or City sidewalks shall be subject to this local law, except as follows:

1. Pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act under 40 CFR § 152.25, and therefore exempt from such regulation when intended for use, and used only in the manner specified.
2. Biological pesticides, such as bacillus thuringiensis or milky spore that are not genetically modified.
3. Pesticides in contained baits for the purpose of rodent control.
4. Control of poison ivy and poison oak that constitutes a health hazard.
5. Control of ticks.
6. Any property, or categories of properties, as recommended from time to time by the Conservation Advisory Council and approved by the Mayor of the City of Kingston.

SECTION 8. WAIVERS.

1. Any City agency, contractor, and/or any owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks may apply to the Conservation Advisory Council for a single-use waiver of the restrictions established pursuant to this local law. Such application shall be in a form and manner prescribed by the Conservation Advisory Council and shall contain such information as the committee deems reasonable and necessary to determine whether such waiver should be granted. The Conservation Advisory Council may grant such waivers by a majority vote of the voting membership, not merely a majority of those present and voting. In determining whether to grant or deny a request for a waiver, the Conservation Advisory Council shall consider

- (i) the magnitude of the infestation,
- (ii) whether the pest situation poses an immediate threat to public health, property, or the environment
- (iii) the availability of effective alternatives consistent with this local law, and
- (iv) the likelihood of exposure of humans to the pesticide.

No waiver shall be approved unless the following conditions have been met:

- (i) Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and,
- (ii) The applicant must submit a plan demonstrating how underlying causes of the pest outbreak will be addressed in a manner consistent with this local law to prevent future outbreaks.

2. If a pest situation poses an immediate threat to human health and warrants the use of pesticides that would otherwise not be permitted under this local law, the Mayor shall have the authority to grant a temporary emergency waiver for a period of thirty days. Notice of the waiver request shall be given to the Conservation Advisory Council for advice on resolving the problem without the use of pesticides.

3. All waivers may be extended for one additional period not to exceed six months at the discretion of a majority vote by the voting membership of the Conservation Advisory Council and/or the Mayor of the City of Kingston. Nothing in this waiver provision prohibits the City of Kingston from adopting additional waivers via resolution for as long as the condition exists.

4. Any City Department, and/or any owner or owners, and/or occupant or occupants of land abutting any City street upon which there are City sidewalks, and or/any persons performing services for such entities using a pesticide under such a waiver must comply with all applicable federal and state laws regarding pesticide use and the Ulster County pesticide neighbor notification law.

SECTION 9. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Adopted by the City of Kingston Common Council: xxxxxxxx, 2022

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(LIR)

CITY OF KINGSTON
Office of Corporation Counsel
bgraves@kingston-ny.gov

Steven T. Noble, Mayor



Barbara Graves-Poller, Corporation Counsel

September 30, 2022

Aldерwoman at Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Administrative Code § 195-1 Disorderly Conduct

Dear President Shaut,

My office is currently reviewing various Administrative Code provisions as part of the City's ongoing rezoning effort. That process led us to evaluate the City's current disorderly conduct provision, § 195-1 of our current Code. We recommend an Administrative Code change, via local law, to revise the existing "disorderly conduct" definition.

I ask that you please forward this communication and the attached supporting documentation to the next regularly scheduled Laws & Rules Committee for consideration. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller
Corporation Counsel

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: Corporation Counsel

DATE: _____

Description: Adopting a local law that replaces §195-1 (Disorderly Conduct) of the City's Administrative Code with the following text:

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoy, or alarm, or recklessly creating a risk thereof they:

1. Engage in fighting or in violent, tumultuous, or threatening behavior, or
2. Make unreasonable noise, or
3. In a public place, use abusive or obscene language, or makes an obscene gesture or
4. Without lawful authority, disturb any lawful assembly or meeting of persons, or
5. Obstruct vehicular or pedestrian traffic, or
6. Congregate with other persons in a public place and refuses to comply with a lawful order of the police or a peace officer to disperse, or
7. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

The crime of disorderly conduct, which is hereby declared an offense within said City of Kingston, shall be punishable by a fine in the amount of \$0-\$500.00.

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4 Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

4

L+R

CITY OF KINGSTON
Office of Corporation Counsel
bgraves@kingston-ny.gov



Steven T. Noble, Mayor

Barbara Graves-Poller, Corporation Counsel

September 30, 2022

Alderwoman at Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Administrative Code § 360-27 (Installment Payment Plan) Revision

Dear President Shaut,

As the Common Council is aware, my office has been working with the Mayor and Director of Housing Initiatives on projects related to the housing goals set forth in the City's 2025 Comprehensive Plan. I am submitting this communication to recommend an Administrative Code change, via local law, to further this effort.

Consistent with State law, our Code currently gives eligible City property owners who have fallen behind on property tax payments the opportunity to repay the back taxes under a 24-month installment payment plan. The homeowner may make payments monthly, quarterly, or semi-annually; but, in each case, our Code currently requires the homeowner to furnish a down payment of 25% of the delinquent taxes as a condition of eligibility for the installment payment plan.

The Office of Corporation Counsel, in consultation with the Director of Housing Initiatives, recommends expanding installment plan eligibility by reducing the initial down payment burden for most owner-occupied residential properties. We anticipate that this change will help promote home ownership by low- and moderate-income households, which is one of the key goals outlined in the Comprehensive Plan. Specifically, we expect that expanding installment agreement eligibility will: i) encourage homeowners to begin repaying back taxes more quickly, rather than allowing those arrears to accrue as the property owner attempts to aggregate a hefty down payment; ii) increase home retention and thereby boost generational wealth transfers as home ownership is a primary vehicle for both individuals and families to accumulate wealth and assets; and iii) allow the City to recoup more back taxes owed without initiating time-consuming foreclosure proceedings.

I ask that you please forward this communication and the attached supporting documentation to the next regularly scheduled Laws & Rules Committee for consideration. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller
Corporation Counsel

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Corporation Counsel

DATE: September 30, 2022

Description: Resolution adopting a local law to expand installment plan eligibility for owner-occupied properties. The revised provision in Article V, §360-27 of the City's Administrative Code will read as follows:

"The term of the installment agreement shall be 24 months; the payment schedule shall be monthly, quarterly or semiannually; the required initial down payment shall be 25% of the eligible delinquent taxes, or, in the case of owner-occupied residential property of four (4) units or less, an amount equal to the first installment payment; and eligible properties shall include all properties within the City of Kingston."

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4 Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

3

L & R

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, September 30, 2022 2:52 PM
To: Tinti, Elisa
Subject: Fw: Communication to Approve Participation in the UC Housing Smart Communities Initiative
Attachments: Resolution x of 2022 - Housing Smart Communities (1).docx

Hi Elisa,

Can you please add this to Laws & Rules for October?

Thank you!

Andrea Shaut

Council President, City of Kingston

From: Hill, Barbara <ward1@kingston-ny.gov>
Sent: Thursday, September 29, 2022 10:58 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Tinti, Elisa <emtinti@kingston-ny.gov>
Subject: Communication to Approve Participation in the UC Housing Smart Communities Initiative

Dear President Shaut,

I would like to put forth a resolution to the Common Council APPROVING PARTICIPATION IN THE ULSTER COUNTY HOUSING SMART COMMUNITIES INITIATIVE.

The City has already made a significant amount of progress in the housing area and will be able to hit a high mark in terms of a certification level. My hope is that the 10 Housing Smart Action areas will provide a framework to the City that will help organize our work in this critical area. <https://hsci.ulstercountyny.gov/>

Home - Ulster County Housing Smart Communities Initiative

The Ulster County Housing Smart Communities Initiative (Housing Smart Communities) is an Ulster County program that supports communities in meeting their housing needs. The program provides guidance, technical support, and incentives for local municipalities that working to address their housing and affordability challenges.

hsci.ulstercountyny.gov

I have been in communication with Bartek Starodaj, Director of the City of Kingston Housing Initiatives re: the City's participation in this important initiative. I worked with both Kai Lord-Farmer, Senior Planner, UC Planning Department

and Bartek to create this Resolution. I understand that Kai has been in touch with the Mayor about this initiative and he is in favor of participation.

Please find an additional description of the program included below.

Thank you for assigning this communication to the appropriate committee.

The Resolution is attached.

With kind regards,

Barbara

Barbara Hill

Alderman, Ward 1

"The Ulster County Housing Smart Communities Initiative (Housing Smart Communities) is a certification and capacity-building program that supports communities in meeting their housing needs. The program provides guidance, technical support, and incentives for local municipalities working to address their housing and affordability challenges. Ulster County communities choosing to participate in the program will begin a certification process to become a Housing Smart Community and be awarded a certification level (e.g., Bronze, silver, Gold, Platinum) based on the number of Housing smart actions take by the municipality. In turn, municipalities will receive support services and incentives from the Ulster County Planning Department to develop and adopt housing-related policies that address the community's affordability challenges. This program is one of five strategies included in the Ulster County Housing Action Plan which was adopted in 2021." <https://hsci.ulstercountyny.gov/>

Kai Lord-Farmer <klor@co.ulster.ny.us>

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Fri 9/23/2022 4:37 PM

Greetings,

As we all know, Ulster County is currently facing a housing crisis, which has only been made worse by the COVID-19 pandemic. It will take a broad and diverse group of community organizations, local governments, industries, and individuals to help us address and solve this crisis.

To support our community's work in addressing the housing crisis, the Ulster County Planning Department is pleased to announce the launch of the new Ulster County [Housing Smart Communities Initiative](#). The Ulster County Housing Smart Communities Initiative (Housing Smart Communities) is an Ulster County program that supports communities in meeting their housing needs. The program provides guidance, technical support, and incentives for local municipalities working to address their housing and affordability challenges. Learn more about the program and visit the website at the links below.

Press Release <https://ulstercountyny.gov/news/executive/ulster-county-launches-program-support-local-communities-tackling-housing-crisis>

Website <https://hsci.ulstercountyny.gov/>

RESOLUTION ____ of 2022

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK APPROVING PARTICIPATION IN THE ULSTER COUNTY HOUSING SMART COMMUNITIES INITIATIVE

Sponsored by: Laws & Rules Committee Aldermen: Alderman Worthington, Hill, Frankel, Scott-Childress, Davis, Olivieri

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, affordable housing is defined as housing in which the occupant is paying no more than 30% of monthly or annual income for housing costs, including utilities; and

WHEREAS, ensuring there are affordable housing options for all community members is a key responsibility of the elected officials of the City of Kingston and a critical component of creating a healthy, sustainable, and prosperous community; and

WHEREAS, rising housing and rental costs and a lack of diverse housing opportunities for all community members is in part due to the demand for housing far exceeding the supply of new affordable and workforce housing being developed in the community; and

WHEREAS, a long-term commitment by the City to review and approve new affordable and workforce housing projects is a critical strategy for ensuring there are affordable housing options for all community members; and

WHEREAS, working toward housing solutions is a priority for the well-being of the local residents, the economy, and community sustainability;

WHEREAS, the City of Kingston has made considerable progress in working to address the housing crisis in the County including establishing the Director of Housing Initiatives to oversee all housing-related projects and policies;

WHEREAS, the City of Kingston, adopted the Kingston 2025 Comprehensive Plan in 2015 which states that "Housing choices for residents of all incomes should be provided throughout the City" and includes Goals, Objectives, and Strategies specifically focused on housing including the improvement of existing residential and mixed-use neighborhoods and increasing homeownership rates among City residents with a focus on low- and moderate-income households;

WHEREAS, the City of Kingston, recognizing that rental vacancy rates are at extremely low levels and has declared a housing emergency, formally adopted the Emergency Tenant Protection Act and established a Rent Guidelines Board;

WHEREAS, the City of Kingston is nearing completion of a comprehensive update to the City's zoning code to promote the development of workforce and affordable housing, streamline the

development and design review process, promote the development of accessory dwelling units, and promote the development of more walkable and bikeable neighborhoods;

WHEREAS, the City of Kingston, in an effort to preserve and protect the City's long-term rental housing stock and ensure that short-term rentals do not become a public nuisance has adopted short term rental regulations and created short term rental registry requirements;

WHEREAS, the City of Kingston, in an effort to ensure tenants in the City have adequate access to legal counsel when facing eviction or potentially facing eviction, has created the Landlord-Tenant Mediation Program;

WHEREAS, in 2019, the City of Kingston developed and adopted the Kingston Fair Housing Plan to ensure equal and fair access to housing in the community and administer Community Development Block Grant (CDBG) funding;

WHEREAS, we believe that our response to housing challenges provides us with an opportunity to improve housing opportunities and community wellbeing for all community members, and to build livable, affordable, and housing-smart communities,

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 shall join the Ulster County Housing Smart Communities Initiative;

SECTION 2. That the City of Kingston shall designate the Office of Housing Initiatives to serve as liaison between Ulster County and the municipality;

SECTION 3. Form a housing task force or designate an existing official housing-related body of the City to serve as the group committed to the program;

SECTION 4: Register for participation in the program on the Housing Smart Communities Initiative website;

SECTION 5: Establish or continue a community outreach and educational campaign on the importance of developing a range of housing options;

SECTION 6: Begin implementing a prioritized set of the Housing Smart Actions included in the program.

Submitted to the Mayor this _____ day

Approved by the Mayor this _____ day

of _____ 2022

of _____ 2022

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2022

