



**TESTIMONY SUBMITTED TO THE NEW YORK STATE LEGISLATURE
AT THE JOINT LEGISLATIVE BUDGET HEARING ON HOUSING**

**CITIZENS HOUSING AND PLANNING COUNCIL
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JANUARY 31, 2022**

Thank you for the opportunity to testify in support of the housing innovations proposed within the FY 2023 budget. My name is Katherine Leitch, and I am a Senior Policy Analyst at the Citizens Housing and Planning Council (CHPC). CHPC is a non-profit civic organization dedicated to addressing the city's housing and planning needs. We have studied several of the legislative measures included in the budget and believe that they would increase the supply of affordable housing to provide a better quality of life for all New Yorkers.

CHPC has spent well over a decade researching accessory dwelling units (ADUs) and basement conversions that play an essential but often overlooked role in New York City's housing stock. CHPC is also the program evaluator for the East New York basement conversion pilot program, which provides regulatory relief, technical assistance, and city subsidy for a small group of Brooklyn homeowners.¹ In all facets of our ADU work, we have seen that ceiling height, parking minimums, and other outdated state and municipal regulations often make it impossible for homeowners to bring their basement apartments into compliance. The proposed Accessory Dwelling Units Act makes important strides towards reducing these barriers.

ADU policy is as much about safety as it is about housing supply. Without this legislation, unnecessarily stringent and outdated requirements will continue to stand in the way of essential safety improvements. For example, the inability to accommodate an additional parking space is often the reason that an existing accessory unit can never be made legal.² Because of that parking space, homeowners cannot legally upgrade an informal unit with basic safety features. In effect, our regulations prioritize parking over life safety. Creating a practical path for homeowners to add a legal second unit will help ensure that critical safety standards are met. It will make certain that apartments have appropriate egress, bedrooms have emergency escape and rescue windows, and occupants have adequate light and ventilation. The ADU Act could lead to important gains in housing safety.

As an issue of supply, accessory dwelling units allow localities to increase housing supply without significant changes to neighborhood height and bulk. ADU's expand housing choice, are inherently more affordable, and improve access to neighborhoods for communities who, historically, have been excluded. While we laud the approach of this bill, CHPC would strongly support any additional amendments that would grant New York City the authority to relieve unnecessary strictures of the

¹ New York City Local Law 49 of 2019 established the scope of the pilot program and the terms of regulatory relief, which included ceiling height, relationship to grade, and accounting of glazed area for natural light.

² Most one- to four-family homes in the city would require at least one additional off-street parking space with creation of a basement apartment per New York City Zoning Resolution §25-211.

MDL for the creation of all accessory rental units. We have found that many New Yorkers who are interested in adding an accessory unit are owners of modest two- and three-family homes, and often rely on their rental income to make ends meet. For these owners, the state's Multiple Dwelling Law (MDL) can impose impossible hurdles. As written, the Accessory Dwelling Units Act grants New York City the authority to relieve parts of the MDL, but only in circumstances where an owner is trying to legalize an existing unit. This is an extremely important tool to protect the tens of thousands of New Yorkers currently living without leasehold rights. However, preventing it from being used in other circumstances will limit the creation of new safe and affordable rental housing.

ADUs present a rare opportunity where the Legislature can help both homeowners and renters, seniors aging in place and first-time homebuyers, recent immigrants, and multi-generational families. ADU policy promotes private property rights and fights segregation. It creates opportunities for teachers and home health aides to live in the communities they serve. It solves barriers in the state's Multiple Dwelling Law and local zoning. We emphatically urge the Legislature to adopt this bill.

Lastly, CHPC commends Governor Hochul for her commitment to addressing the affordable housing crisis with both funding and regulatory innovation. Additional reforms being considered, including proposals for transit-oriented development, hotel and office conversions to affordable housing, and removing the 12 FAR cap on residential development in New York City, are important solutions to the housing crisis that can make a material impact on New Yorkers' lives.

Thank you.