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January 27, 2022

Senator Liz Kreuger  
Chair, Finance Committee  
Assemblymember Helene E. Weinstein  
Chair, Ways and Means Committee  
Re: 2022 Joint Legislative Budget Hearing on Housing

Dear Senator Krueger and Assemblymember Weinstein:

CNY Fair Housing is pleased that the Governor's Executive Budget includes dedicated funding for statewide Fair Housing testing. This funding will enable us to continue our work of eliminating housing discrimination, promoting open communities, and ensuring equal access to housing opportunity for all people in Central and Northern New York.

Specifically, this funding will allow organizations like CNY Fair Housing to sustain the investigative capacity that we have built over the last two years through the Attorney General's Eliminating Barriers to Housing in New York (EBHNY) program. That pilot has allowed us to bring on new staff and expand our testing program, and we have used this expanded capacity to investigate instances of housing discrimination and hold housing providers accountable.

We have developed a good working relationship with the AG's office through the EBHNY program, and we prefer that any new funding for Fair Housing testing continue to flow through the AG's office. This funding should be placed in the new Anti-Discrimination in Housing fund created by A6866/S945B of the Fair Housing Package that the New York State legislature passed last year.

We also need a reliable stream of revenue to maintain this investigative capacity in the future. Fair Housing organizations cannot maintain our robust testing programs without guaranteed funding, and we request that the New York State budget commit to funding statewide fair housing testing efforts through the EBHNY program at \$3 million per year for the next five years.

CNY Fair Housing also applauds the Governor's proposal to make Accessory Dwelling Units (ADUs) legal on all owner-occupied residential lots in New York State, but we urge final legislation to protect the tenants of ADUs from housing discrimination by bringing ADUs under New York State's Human Rights Law. This legislation cannot achieve its goal of "improving

housing affordability and availability" for all New Yorkers if ADUs are not open to all New Yorkers.

Even before the Covid-19 pandemic, more than 1 out of every 3 New York households spent more than 30% of their income on housing. Housing prices have only increased during the pandemic, placing a greater burden on more families.

ADU legislation is a good first step towards easing these housing costs, but without added protections for tenants, ADUs will not ease the burden of high housing costs for all New Yorkers. New York State's Human Rights Law allows landlords to discriminate against tenants on the basis of—among other things—race, disability, and national origin in properties containing housing accommodations for two families if the landlord lives in one of the two units. The Governor's ADU proposal would allow ADUs on owner-occupied residential lots specifically, and so all ADUs made legal by this legislation would sit squarely within this massive loophole in New York State's protections against housing discrimination. The effect would be to exclude members of traditionally marginalized communities from the benefits of this legislation, and that is unacceptable.

It doesn't have to be this way. Senator Harkham and Assemblymember Epstein's ADU bill—S4547A/A4854A—also seeks to ease the burden of housing costs on New Yorkers, but it includes a provision that amends New York State's Human Rights Law to protect the tenants of ADUs from discrimination. Any final ADU legislation must contain similar protections in order to extend the benefits of increased housing supply and lower housing costs to all New Yorkers.

Sincerely,



Sally Santangelo  
Executive Director  
CNY Fair Housing