

ADUs

Dear Senator and Assembly Members:

Thank you for the opportunity to testify. I want to urge you to include ADU legalization in the state budget, and thank Governor Hochul for her visionary approach to affordable housing and her support for accessory dwelling units, a concept that is a sound way to create more affordable housing. Bravo.

Legalizing backyard cottages, garage conversions, and other forms of ADUs is a simple solution to creating more housing throughout the state. In my experience as an affordable housing developer in Westchester – particularly, northern Westchester – the creation of an ADU in the mix of funding programs can make or break a project. Funders award funding on the number of housing units, usually not the size of the units. For example, if you wanted to acquire and renovate a single-family home, you would get funding for one unit; if however, you could create an accessory unit to the development you would receive double the amount of funds creating a very affordable home for two families. And that scenario is from the perspective of housing developers.

Closer to home is the scenario of an older homeowner who would like to stay in her community, but whose income has changed during retirement and now is without adequate retirement income, a common scenario. She doesn't use all the bedrooms in her 4-bedroom home, and she has a garage that is an assortment of 40 years of belonging, not a shelter for her car. She lives in a community where there are no sewers. But she has a lovely rose garden. She'd like to add an accessory apartment to her property. What to do?

Part of the state's accessory apartment program would give a community funds to provide technical assistance to help our homeowner get through the approval process and access the funds needed to create her accessory apartment. Technical assistance is critical to the ADU program. While many municipalities in Westchester have accessory apartment regulations, there is no technical assistance to help a homeowner. The potential for an accessory apartment in the municipalities cannot be realized unless there is a vehicle to navigate home improvement and development. The state is in a position to provide technical assistance and funding that each individual local government is not able to do.

On a practical basis, our homeowner would get the advice to go to the health department to assess her septic capacity. Let's assume that her property does not have adequate capacity. She has septic capacity for a 4 bedroom house, which she has. She can discontinue the use of one of the bedrooms so that the 4th bedroom can be traded in for the accessory unit. (Health Department counts septic capacity by the bedroom, not the bathroom or another convention.)

She then can go to a design person, referred to by the technical assistance folks to draw up plans for the ADU and file needed documents with the health department. The TA staff will then help her with the funds needed for the renovation. She can pick her tenant or work through the TA staff. And thanks to the law's provisions not requiring replacement of parking, she can convert the garage to an ADU and is able to keep her rose bed.

While I applaud municipalities that have ADU ordinances on the books, they are mostly on the books and inaccessible in practice. Individual municipal ordinances have a variety of requirements that, intentionally or not, put ADUs out of reach for working New Yorkers. The state legislation gives the municipality some baseline regulations so that the entire state can access much-needed technical assistance and funding.

There are sure to be baseless cries that ADU legalization infringes on "home rule." But this ADU legalization proposal leaves room for local variation, as towns and villages are allowed to write their own zoning codes (and even get help doing so), and sets reasonable minimum requirements -- just like the state does for safety, schools, or any number of other policies. The belief in "home rule" is based on the idea that each fiefdom or silo is so exceptional, distinct from others, that any legislation meant for others could not possibly apply to them. In reality, we are all New Yorkers, and we all share the values that people should be able to stay in their communities, provide housing if they would like to, and use their property how they choose. ADU legalization is the only way to ensure that.

A state plan for the 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. The state legislation honors municipal choice, while streamlining many of the incumbrances that slow down and ultimately defeat ADU proposals. A state law couples the legislation with funding to plan, build, and run a successful ADU program resulting in a real increase in housing.

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