



NEW YORK STATE SENATOR

Pete Harckham

Harckham, Epstein, Other State Legislators and Advocates Rally to Legalize Accessory Dwelling Units

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Albany, NY – New York State Senator Pete Harckham and Assemblymember Harvey Epstein were joined at a rally in the Empire State Plaza today for their accessory dwelling unit (ADU) legislation by other state legislators and representatives from a number of advocacy groups.

“Accessory Dwelling Units are a win-win for our communities,” said Harckham. “At a time when we are facing a severe shortage of affordable housing, here is a low-density solution to the problems that also lets seniors on fixed incomes grey in place and people with unique abilities live close by to loved ones. Enough with the fear mongering—let’s focus on the vast benefits of ADUs and how we can start to solve

the affordable housing crisis together.”

“When you look at the support behind the legalization of ADUs, it really spans the ideological spectrum and it’s easy to understand why,” said Epstein. “Legalizing ADUs gives homeowners additional freedom to ensure their home suits their needs, whether that’s creating a living space for an aging parent, a family member with a disability, or a college student. ADUs can also create badly needed affordable housing while generating a new income stream for homeowners.”

Epstein added, “All of this is done within the existing building envelope and in accordance with local health and safety regulations. It’s no surprise that many states have already enacted legislation to facilitate the creation of ADUs and it’s time we do the same here in New York.”

The rally was livestreamed on Senator Harckham’s Facebook [page](#).

Among the many organizations attending the rally were Regional Plan Association; AARP; New York State Association for Affordable Housing (NYSFAFH); ERASE Racism; Partnership for NYC; CNY Fair Housing; The Building & Realty Institute of Westchester & the Mid-Hudson Region; Habitat for Humanity; and Housing Help Inc.

Other elected officials that spoke at the rally included State Senator Michelle Hinchey, Assemblymember Philip Ramos and Assemblymember Dr. Anna Kelles

An ADU is a smaller abode located on the same property as a stand-alone residential unit. Also known as accessory apartments or ‘granny flats,’ they can be converted portions of existing residential units, additions to existing units or converted spaces in existing stand-alone structures on a residential property. They average usually 600 to 1,200 square-feet, and most are studio or one-bedroom apartments with a kitchenette and a separate entrance.

Since legislation (S.4547A / A.4854A) to legalize ADUs was introduced by Harckham and Epstein one year ago, dozens of organizations around the state have formed a coalition to get the measure passed. Following testimony at an Assembly hearing in October 2021, and numerous discussions with municipal officials, affordable housing advocates and neighborhood organizations, the legislators released an amended version in December. In January, Governor Hochul earmarked \$85 million for homeowners and included Article VII language in her budget to legalize ADUs and ensure their safety (Part AA of ELFA).

As budget negotiations ramp up, over 60 groups across the state sent a letter to the Governor, Majority Leader, and Speaker advocating for ADU legalization to take place in the budget. If enacted, New York would join states including California, Washington, Connecticut, New Hampshire, and more that already

recognize ADUs as a sensible way to unlock more housing and empower homeowners to modify their property to best suit their needs.

ADUs can generate rental income to help property owners pay their bills, which can be especially beneficial to people on fixed-incomes, like seniors, which has led AARP to be one of the lead advocates for the policy nationwide, releasing a model ordinance for states and localities over 20 years ago. Surveys have shown that seniors overwhelmingly prefer to age in place instead of in congregate settings, which have had challenges in controlling the spread of Covid-19. ADUs also allow for multigenerational families to stay together with ample space.

The policy has garnered widespread support from advocates at opposite ends of the political spectrum and many in between, with groups such as Housing Justice for All and the Manhattan Institute, each recognizing the potential for the creation of more housing. These groups recognize the need to meet the shortfall of affordable housing and the right of homeowners to do more with their property as obvious benefits to all New Yorkers.

“The Partnership supports Governor Hochul’s proposal to expand and legalize the use of accessory dwelling units. Affordable housing options are key to attracting talent to move, live and build families here for the long term,” said Kathryn Wylde, president and CEO of Partnership for New York City.

“Legal ADUs are a solid step in the right direction to address New York’s affordable housing crisis,” said Elaine Gross, president of ERASE Racism. “The evolving legislation should also ensure that ADUs advance fair housing. Housing discrimination in New York is well documented, and ADUs must not reinforce existing patterns of discrimination.”

“As we continue to recover from the impact of the pandemic, low-to-moderate income homeowners should have the same right as their counterparts to use and improve their properties in the way they see fit,” said Pilar Moya-Mancera, executive director of Housing Help Inc. “Zoning at its best should bring people together, not tear them apart. This law, with bi-partisan support, must happen.”

“We need more homes, of all shapes and sizes, for all of our neighbors, and ADUs are one of the tools that can get us there,” said Timothy Foley, CEO and executive vice president of The Building & Realty Institute of Westchester & the Mid-Hudson Region.