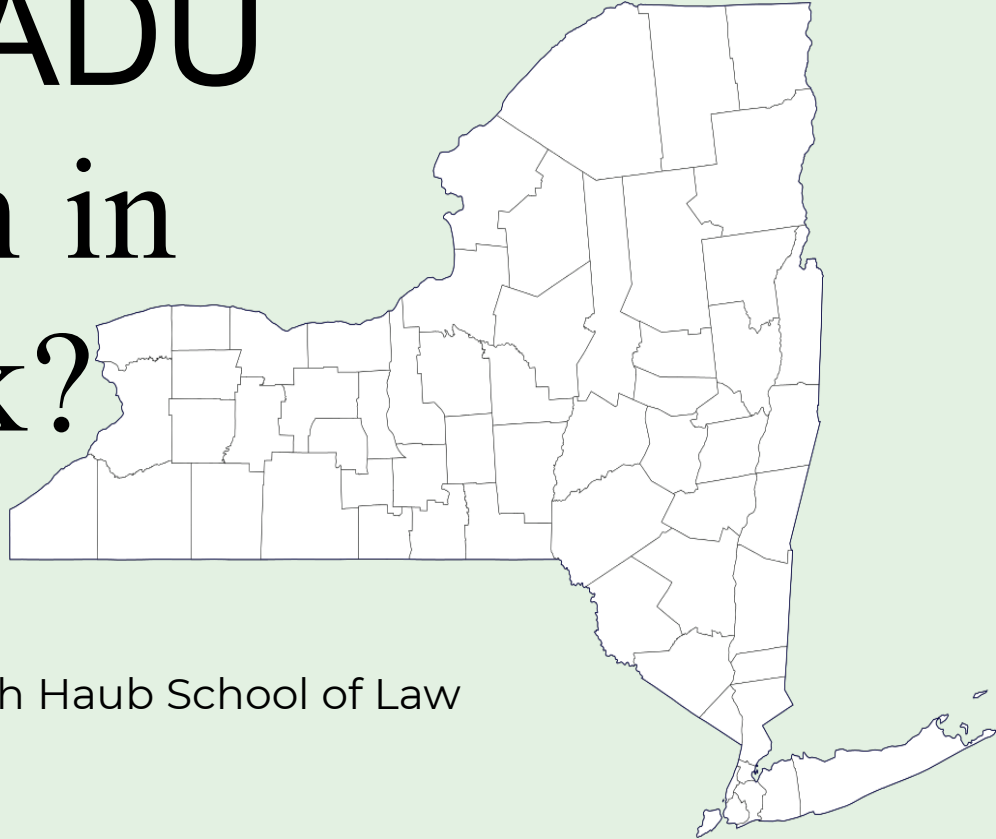


Statewide ADU Legislation in New York?



Rhea Mallett, Pace University Elisabeth Haub School of Law

“We will also **fix outdated
land use laws** that hold back
housing supply.”

- Governor Kathy Hochul, State of the State 2022

Newspaper Headlines – February 2022

“Governor Hochul declared **war on the suburbs**”

“Hochul’s **housing plan ignites backlash**”

“... elected officials oppose Hochul’s plan to **eliminate single family neighborhoods**”

1970s

UDC → moderately priced housing in the suburbs

“... to create opportunities for low-income families to share in the...”



Good Homes



Safe Streets



Fresh Air



Open Space

1972 NYS Court of Appeals

“... zoning enabling legislation is burdened by the **largely antiquated notion**...” that

“... the regulation of land use and development is **uniquely a function of local government.**...”

- *Golden v. Planning Board of Ramapo*

Municipalities Acknowledge Racist Land Use Policies

NYC—2019 Comprehensive Plan

“The **legacy of segregation and racist policies** continues to cast a shadow. . .”

“Fifty years [later] . . . many neighborhoods . . . **are still segregated along racial lines.**”

“**[P]olicies . . . based on institutionalized racism** led to an unfair distribution of resources . . .”

- *OneNYC2050*

Municipalities Acknowledge Racist Land Use Policies

Charlotte, NC– 2021 Comprehensive Plan

“The City believes it must take responsibility for its **role in creating, perpetuating,** and otherwise **turning a blind eye to this system of structural racism . . .**”

– CharlotteFuture 2040

Municipalities Acknowledge Racist Land Use Policies

Richmond, VA-2020 Comprehensive Plan

“... local, state and federal policies and ordinances did much to shape Richmond, **especially laws based on racial segregation and policies . . .**”

– Richmond 300: A Guide for Growth

Westchester County ADU Statistics

1,212,005

Population 2020

1,833

Number of ADUs

9 States Have ADU Laws

1. California
2. Connecticut
3. Maine
4. New Hampshire
5. Oregon
6. Rhode Island
7. Utah
8. Vermont
9. Washington

Rhode Island ADU Law Development

2008	SF lots for family members w/disabilities
2017	SF lots for family members w/disabilities or >62 years old
2019	“Family” expanded to “related by blood, marriage or other legal means”
2022	SF or Multi lots, family requirement removed

California ADU Law– Highlights

- ❑ 1 ADU & JADU per lot
- ❑ Min. 800 sq. ft & 16' high
- ❑ 4' side/rear setbacks

39 years in the making...

California ADU Homeowner Survey 2021

- ❑ Majority are 1 Bedroom
- ❑ 86% have 1-2 people residing
- ❑ 50% are income generating
- ❑ 18% serve as no cost housing for family and friends

Westchester County ADU Statistics

Current ADUs	1,833
Double ADUs	3,666
Triple ADUs	5,499

Population: 1,212,005

“... **increasing our housing supply is essential** to the growth of our economy, to reaching our lower carbon footprint, **to achieving our goals of equity and inclusion**, and to addressing the affordability challenges faced by so many New Yorkers.”

“I’m glad that the conversation on these important issues has begun...”

*-Governor Kathy Hochul re: withdrawal of her
2022 housing proposals*
