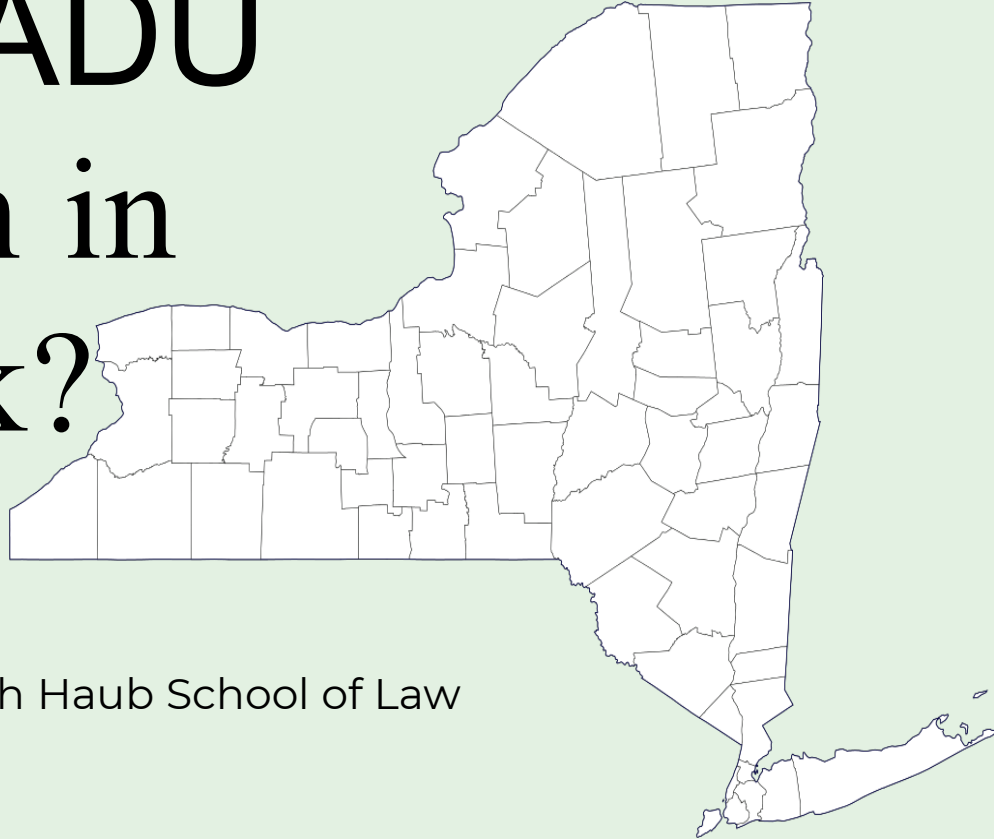


Statewide ADU Legislation in New York?



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“We will also **fix outdated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 | 6. Rhode Island |
| 2. Connecticut | 7. Utah |
| 3. Maine | 8. Vermont |
| 4. New Hampshire | 9. Washington |
| 5. Oregon | |

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*
