



Be my Neighbor

Untapped Housing Solutions: ADUs and Conversions

We can create hundreds of thousands of new homes in the region just by allowing accessory dwelling units (ADUs) and conversions of large single-family homes to two- or three-family homes.





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The New York — New Jersey — Connecticut metropolitan region has grown tremendously over the last century. An influx of new residents has spurred job growth, transit improvements, public health action, and a better quality of life. Business centers have taken root in larger suburban areas and walkable, transit-oriented communities have spread. We have seen mixed land use and infrastructure innovation grow hand-in-hand, connecting our distinct municipalities and inviting our populations to work together.

But too many have yet to share in this prosperity, in particular people and communities who have been shut out of opportunity by racism. Our challenge as one of the country's leading metropolitan regions is to become a place that offers opportunities for all and make our communities more affordable, with a range of housing choices in both urban and suburban areas that meet the diverse needs of our region's population.

Throughout the region and prior to the COVID-19 pandemic, population growth was significantly outpacing housing growth. ● The region was also facing an imbalance between job growth and production of new homes, with the region producing 0.5 housing units per net new job added. ● More jobs means more people, and people need places to live. Even if the economic crisis resulting from COVID-19 temporarily reverses





affordable housing choices. Allowing and encouraging more housing options will result in a stronger and more resilient recovery. Furthermore, the current and future need for sheltering-in-place and remote working is already driving demand for the types of housing presented in this report.

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We must continue to expand housing opportunities for people of all incomes throughout the entire region, with a heavy focus on policies that will combat historical and existing discrimination. However, simply building our way out of this housing shortage will be challenging. Major new affordable multi-family buildings are part of the solution, but





the housing supply of the region as a whole.

We can achieve the creation of these additional homes through policies that can be implemented by the states and by local communities through both legislation and local zoning changes, by addressing technical issues to unlock this “hidden housing,” and by addressing the misconceptions that can undermine productive dialogue around this issue in local communities. ●

Sheltering-in-Place: One of the most important things we can do in this pandemic, or in any future outbreaks, is make sure everyone has a place to live, and safely and comfortably shelter-in-place if need be. The most at-risk populations in a pandemic are people experiencing homelessness, those living in group quarters like nursing homes, or those forced into overcrowded housing situations. Oftentimes these are especially vulnerable populations, like elderly individuals, people lacking health insurance, and independent workers with short-term contracts.

Having an ADU available is also valuable for families during a health emergency like the one we are having now. If a loved one needs to self-quarantine, they can do so in relative comfort, with a kitchen and bathroom of their own. Families can take comfort and help each other by being close by, even as they need to stay physically separate. Solving our housing crisis is a large part of solving our public health crisis, and allowing for more conversions and ADUs will go a long way toward solving our housing problem.





... THE EFFECTS OF OUR HOUSING SHORTAGE

Over the past decade, the region's core has experienced rapid population and job growth. Home prices and rents in New York City and surrounding municipalities, particularly those accessible by transit, have reached astronomical heights and residents are paying the price. In 2000, 27 percent of the region's homeowners spent more than 30 percent of their income on housing. In 2019, 36 percent did, and with the unfolding economic crisis, this could easily increase. That means less money to spend on other necessities, like food and transportation, and even less for discretionary spending that supports local businesses.

The increasingly expensive housing market in combination with racial segregation is also a key factor in the wealth gap between Black and Latinx families and their White counterparts. ● All across our region, but most noticeable in the suburbs, predominantly White municipalities have self-segregated in areas and created exclusionary zoning barriers where the only residential buildings allowed are large single-family detached houses. In these areas, Black and Latinx families are vastly underrepresented in homeownership. When measuring household income and comparing the share of White, Black, and Latinx population by municipality, the same correlation is true. ●

A report by the Citizens Budget Commission released before the pandemic began revealed that 44 percent of all NYC households are rent burdened, and over half of these households are severely rent burdened, meaning they pay more than 30 percent and 50 percent of income toward rent, respectively. ● 91 percent of these severely rent-burdened households are low-income New Yorkers. Without a dramatic change of course, those numbers will only get worse.

Compounding this is a lack of housing best suited for our changing demographics and living arrangements: more older adults living alone, extended families living together, and





expensive housing choices rather than remove them.

In any residential area in the region, a two-family home is allowed to be converted into a more expensive single-family home, but only in a select few areas is the reverse allowed.

For residents throughout the region, but especially for people of color, buying a home is increasingly out of reach, commutes continue to get longer, and opportunities to move up the economic ladder are declining. For the most vulnerable in our region, those





out, and empty nesters and seniors looking to downsize or move have nowhere to go in their hometowns. Between 2000 and 2015, the number of households in the region considered to be rent burdened increased by 16 percent. ● Households making less than \$25,000 were pushed out to places poorly served by transit and with scarce amenities. ●

Without new affordable homes, high-priced neighborhoods and towns have become wealthy and overwhelmingly White enclaves, inaccessible to the teachers, firefighters, home healthcare workers, landscapers, caretakers, and many others who commute to these areas for work.

Untapped Potential

Opportunities for affordable homes and neighborhoods near transit





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*** ADUS AND CONVERSIONS

New buildings are one needed part of this solution. In RPA's 2017 report, [Untapped Potential](#), we detailed possibilities for building 250,000 new homes in complete neighborhoods near commuter rail stations. But we cannot meet our housing growth needs solely through new construction. We also need to work with the buildings we have.

Accessory Dwelling Units (ADUs)

An accessory dwelling unit (ADU) is a smaller secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of heating, cooking, and sanitation. They can be built on single-





Conversions

In certain cases, very large single-family homes present an opportunity for conversion to duplexes or even triplexes without altering the exterior. Spaces above garages, on ground floors, or in attics of houses can also be converted into small apartments for an elderly parent, a care provider, or a renter. This both makes an oversized home more affordable for the owner, allowing someone who might ordinarily need to downsize to stay in their home, and creates a new home for a new resident.

Policy makers across the region should consider ADUs and conversions as innovative, low-impact solutions that work





4 **Provide Technical Assistance, Financing, and Information**

Municipalities should work to create programs that provide assistance for constructing ADUs and making conversions by simplifying technical language and streamlining approvals. Statewide financing programs, especially targeting senior citizens, should be should be prioritized.

.... NEW YORK CITY

1 **Allow Housing Conversions and ADUs in NYC by Eliminating Zoning Requirements that Exclusively Require Large Detached Single-Family Dwellings**

Zoning districts R1, R1-1, R1-2, R2, R2A, and R2X only allow large detached single-family dwellings (or community facilities). All other types of uses are prohibited. Permitted land uses in these zones should be expanded to include two-family dwellings.

2 **Reduce Multi-Family Consolidations**

The flip side of encouraging more flexible use of single-family homes is discouraging the conversion of multi-family housing into one single, large house. While it is difficult to legally prohibit these types of consolidations, they should continue to be treated as the previous multi-family buildings for property tax purposes and other disincentives through building or zoning codes could also be explored.

3 **Support NYC's Basement Apartment Program Expansion on a City-Wide Level, and Look for Opportunities for Other Ways to Add ADUs**

In early 2019, NYC signed into law a pilot program that modifies code standards and offers low or no-interest loans that facilitate safe basement apartment units. While NYC had initially announced it would expand this program, it has instead recently





codes should be explored in order to ease not just conversions of basements, but attic, garage and other space conversions that could still meet safety standards.

4 Rethink Off-Street Parking Requirements for Two- and Three-Family Homes

Even when allowed by zoning, additional off-street parking requirements often make ADUs and conversions impossible. Especially near transit, off-street parking requirements for added units should be modified.

Within our region and beyond, land use and both racial and economic segregation are deeply intertwined. ● The tri-state region allocates a disproportionate amount of land towards large single-family detached houses. The share of the total housing stock based on this housing typology is also a metric that is heavily correlated with race and ethnicity.



This is true even in areas well suited for denser transit-oriented development (TOD) where historical investments and ongoing capital commitments have been made towards transit infrastructure. ● Such imbalance in residential land use is not a coincidence, but the physical manifestation of accumulated policy and planning decisions that have perpetuated housing discrimination and segregation.

In our region and in residential areas within one mile to a transit station, there about 170,000 acres of land dedicated to overly large and detached single-family “McMansion” type houses, enough land to accommodate Central Park two hundred times over. ● The larger lot requirements for these types of homes are also correlated to more expensive





extends into wholly inappropriate areas as well, in particular those areas close to suburban transit stations.

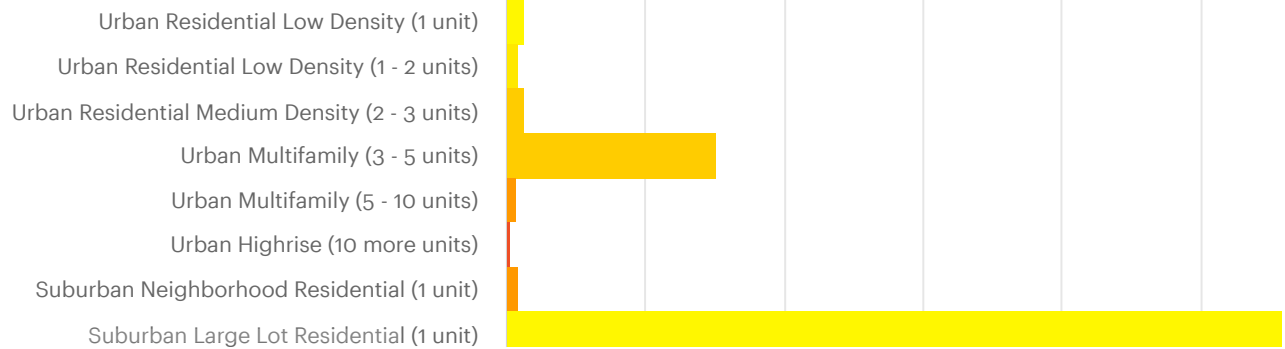
While single-family houses only provide about 40 percent of the housing stock in such areas, they cover over 93 percent of the residential land. On the other hand, while multi-family buildings provide 60 percent of the housing stock in areas close to transit stations, they only cover about 6 percent of the residential acreage. ●





Areas near transit & zoning authorities

Areas close to transit



Land by acres and DUs

Residential Land by Acres

This is not only a failure to properly utilize our investments in infrastructure, but also a clear manifestation of a spatially segregated region that increases commuting times and stifles economic growth.

Both near and far from transit, predominantly White municipalities have self-segregated through various ways, but a key strategy has been creating exclusionary zoning rules where the only permitted residential uses are large single-family detached houses. When examining the housing stock for each of the 782 municipalities in our region that have control over their land use, one can observe that the share of single-family detached units





the form of single-family detached units, the percent of the White population is 86 percent, with Black and Latinx representing less than 2 and 6 percent of the population, respectively.

None of this happened by chance. This is the result of historical policies and planning decisions that made segregation legal, and then allowed market forces to take shape. From restrictive covenants and redlining to mortgage and financing programs, our history is full of examples that have perpetuated housing discrimination, and still continue to do so today. This can also be blamed on the failure to enforce crucial components of the Civil Rights Act, and even more recently on direct attacks that undermine fair housing.





housing segregation is a choice

Housing segregation in our region did not happen by chance. It is the result of accumulated policy decisions over multiple generations. To address this, we first must acknowledge and understand this history.



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Allowing the housing typologies presented in this report, accessory dwelling units (ADUs) and conversions from single-family to multi-family homes, are by no means a silver bullet solution to either racial segregation or to our housing affordability crisis. A true change of course will require comprehensive policies and significant changes in leadership. However, allowing ADUs and multi-family conversions are a necessary and incremental step in the right direction, as part of a bigger puzzle where multiple strategies need to be advanced. By implementing policies and programs that promote ADUs and conversions as soon as possible, we will be in a better position to address many of the physical and institutional barriers we have created and ensure everyone has the opportunity to live a full and healthy life.





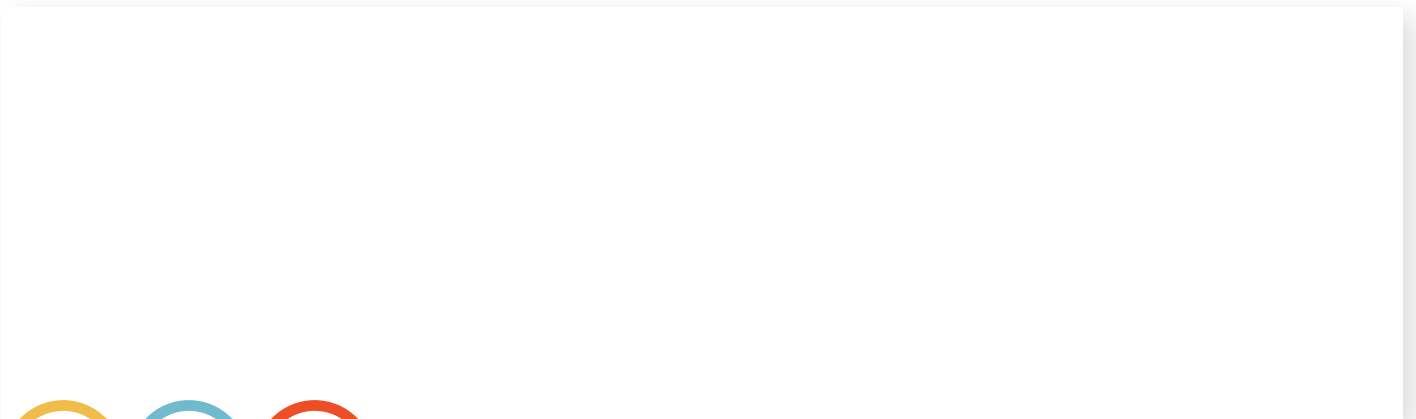
● White Non-Hispanic ● Asian Non-Hispanic ● Black or African American ● Hispanic or Latinx (any race) ●



Share of Single-Family Detached Units by Race/Ethnicity

This report outlines strategies to help meet the demand for more homes in our region and more housing choice in areas that are largely comprised of single-family homes. It focuses on two main options for tapping into this new housing: accessory dwelling units (ADUs) and conversions.







Attached unit with separate entrance

Accessory Dwelling Units (ADUs)

As mentioned earlier, an ADU is a secondary unit to a primary residence on a property. ADUs have a private kitchen, bath, bedroom(s), and living space. They function as a separate apartment, but can either share a roof with the primary residence or can be located in another building on the property.

Currently, there is little uniformity of policy governing ADUs across the region. In NYC and many municipalities across the region, ADUs are illegal in single-family zones. In places where ADUs are currently allowed, the requirements that govern their





a relative. In nearby Hastings-on-Hudson, the property owner must occupy either the principal unit or the ADU full-time as a principal residence. And in Dobbs Ferry, ADUs are illegal. This variation in ADU policy across towns in Westchester is just one example of the region's confusing ADU landscape, which stifles the construction of needed accessory units in a constrained housing market. Both states and counties should develop more uniform frameworks and deploy programs that incentivize ADU creation. ●

Resistance to ADUs stems in large part from misinformation. Fears like the lack of space for parking and overcrowding in schools are often overstated.● In reality, ADUs have many positive impacts for communities, providing a secondary income that can allow aging homeowners to stay in their homes longer, providing spaces where older relatives and younger adults can live comfortably together and care for one another, adding housing options for people in different stages of life, bringing new residents who work and shop in the community, and reducing housing costs.

Conversions

A conversion divides an existing home into multiple units, turning a single-family home into a duplex or triplex. Physically, some conversions may resemble attached ADU typologies. However, with conversions, the concept of primary or secondary dwelling does not apply. They may also differ in terms of ownership structure when the property is subdivided. Conversions offer communities throughout the region great potential to increase housing capacity without the disruption of major development.

There is significant opportunity to allow owners of very large single-family homes to convert. But, similar to ADUs, there is no consistent policy governing conversions in our region. In many single-family neighborhoods, permits cannot be obtained given barriers imposed by zoning.





the housing crisis. Conversion mechanisms can create a wide range of housing types for people of all ages, abilities, and incomes. The push for legislation on conversion is less prominent in the news, however several cities across the country, such as Minneapolis and Portland, are working to make it easier for their residents to do so.

.... TYPOLOGIES

ADUs and conversions can come in various shapes and sizes. Often, ADUs make use of existing structures in the yard of single-family homes such as detached garages and sheds. Attics, basements, or attached garages can also be retrofitted to create an ADU or an additional dwelling unit in the form of a duplex or triplex.





Detached Residence

A standalone, smaller home built on the same lot as the primary home by the homeowner, with the units functioning as separate structures.

Attached Residence

An addition to the primary home that is a separate unit with its own entrance. With good design and construction, the attached unit is not readily noticed from the street.





Above Garage Residence

A new unit built above an existing garage. Attached/detached garages can have an ADU built above a pre-existing garage space. The addition of this new space does not require major new construction and does not significantly alter the primary home's exterior.

Upper- or Lower-Level Residence





conversion of an existing basement or as part of the construction of a new home.

Garage Conversion

Conversion of existing garage space into an ADU. The conversion of this space does not significantly alter the primary home's exterior.

*** ATTACHED ADU EXAMPLE





*** IMPACTS OF ADUS AND CONVERSIONS

Like all new housing, ADUs allow for more people, and need the proper urban infrastructure to support them. Concerns over traffic, waste management, water and





infrastructure systems to accommodate additional people. Adding to the property tax base, which ADUs and conversions do, helps pay for these as can increased assistance from counties or states for municipalities which allow for these additional housing opportunities.

One of the best ways to reduce the impacts that new housing can bring is to take advantage of already existing infrastructure capacity. And consistent findings demonstrate that the cost of infrastructure and administering services increases in direct proportion to how far apart homes are spaced. ● Because of this, ADUs and conversions are one of the ways to add housing that is less impactful to the existing municipal infrastructure. While the amount of dwelling units increases, the amount of buildings does not. Waste pickup does not need to expand its routes to new addresses. New water and sewer extensions do not need to be built. As a result, ADUs and conversions are one of the smartest and most sustainable paths for meeting our housing needs.

*** UNAUTHORIZED ADUS AND CONVERSIONS

It is difficult to estimate the exact location and number of conversions of ADUs that have already been made, especially given the significant number of unauthorized units without a certificate of occupancy. However, it is reasonable to suspect that at least 300,000 non-conforming units exist throughout the entire region. ●

When people do not have the choice of safe and affordable homes which meet local zoning, they are forced to turn to other options. While the main effect of legalizing more conversions and ADUs would be to add much needed housing in the region, even in these cases where it provides a path to legalizing an already existing dwelling unit instead, there are clear benefits. Tenants would be ensured safe housing and be safe from emergency evictions, owners would no longer risk enforcement actions and be able to





A study by the Journal of Planning Education and Research, which focused on garage conversions, found that housing units without legal permits are surprisingly widespread in the United States. By comparing the ten largest cities in the US, the study found that cities with more regulatory barriers to new housing (New York, Boston, Los Angeles, and Philadelphia) had a higher share of unpermitted single-family units in their metropolitan areas, while the cities with fewer barriers (Atlanta, Dallas, and Houston) have lower shares. These findings echo previous conclusions, who found that unpermitted units comprise a higher share of new units in dense urban areas – where the supply of housing is constrained – when compared to either medium- or low-density cities. ●

In 2017, the Long Island Index and Rauch Foundation released a report documenting the Island's complex relationship with accessory apartments. The author details four decades of history since some Long Island towns began allowing accessory apartments in single-family homes. While recognizing the demand for accessory units as a way to tackle affordable housing, the report also describes how municipalities continue to contend with rampant illegal apartments. According to local officials interviewed by the author, Long Island has some 90,000 to 100,000 illegal rentals. ●

Research by the Pratt Center for Community Development and Chhaya Community Development Corporation estimated that New York City gained 114,000 apartments resulting from illegal conversions, unauthorized basement apartments, unapproved residential construction of commercial lofts, and other types of unlawful construction. The study estimates that units predominate in neighborhoods on the outskirts of the city in Queens, Brooklyn, and The Bronx. ● The authors outlined the possibilities for legalizing these units while ensuring public safety, restricting additional density under the zoning code, and ensuring that no neighborhoods would be unduly burdened with overcrowded schools and services.





*** A NEW ORDINANCE IN WESTCHESTER

In November 2019, the Westchester County Department of Planning approved a model ordinance for ADUs. The main goal was to create new housing units while maintaining the look and scale of single-family neighborhoods. Other benefits include the efficient use of existing housing stock and infrastructure, environmentally-friendly housing choices and smaller associated carbon footprints, responding to changing family needs, and providing housing for seniors and persons with disabilities.

With the exemption of the owner-occupied requirement, the model ordinance set a range of reasonable criteria in a flexible enough framework. This will likely promote a substantial amount of ADU creation without greatly affecting the built environment of single-family neighborhoods. The ordinance makes a distinction between accessory apartments and accessory cottages. Both are smaller secondary homes located on the same lot as the primary dwelling. The ordinance imposes a limit of one ADU per lot, as well as an owner occupancy requirement (living either in the ADU or primary dwelling). While ADUs are exempt from residential density and parking standards, they still have to comply with height restrictions, maximum lot coverage thresholds, and yard setbacks. The ordinance also provides some general design considerations for location of entrances and exterior stairs. Ultimately, each municipality will have to adapt this model code to their local circumstances and existing local zoning.



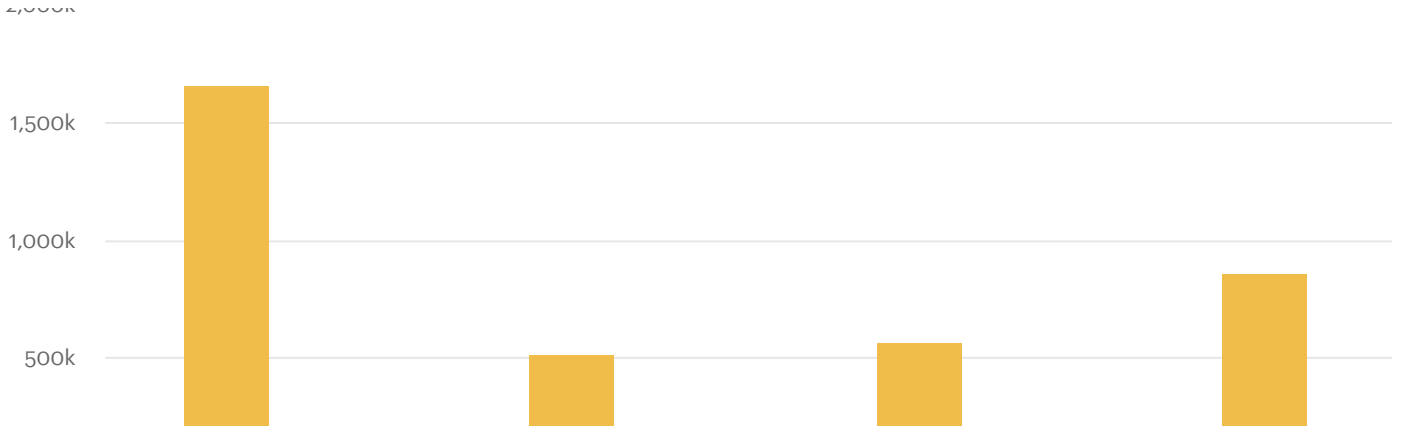


In the New York metropolitan region, public transit infrastructure is the lifeblood of the economy, connecting people with jobs and homes. Nearly 12 million people live within a 60-minute commute of Manhattan’s central business district or within 30 minutes of the other most populous municipalities in our region. ●

While housing supply has increased in NYC and around some of the region’s job centers outside the urban core over the past decade, ● many transit-served communities have been slow to embrace creating more housing. ADUs and conversions are an exciting opportunity to unlock the untapped potential that exists in many transit-served communities to create more homes for more people without major new construction on single-family lots and within existing buildings.

The economic, environmental, and social benefits of transit-oriented development (TOD) are extensive and well documented. Our region’s strongest markets are in transit-served locations, consistent with regional and national trends demonstrating demand for homes and experiences in walkable, mixed-use places with access to public transportation. Restrictive zoning that prohibits new homes in transit-served communities is exacerbating our region’s housing affordability crisis, stifling economic growth, and perpetuating segregation. Instead of restricting housing development, municipalities should be actively seeking solutions that enable more housing to be created. In particular, municipalities in our region that have rail stations that provide access to employment into Manhattan’s central business district within 60 minutes or access to our region’s other job centers within 30 minutes are prime candidates for enabling more housing.





If just one third of the region's single-family homes located in these transit-oriented areas were to add additional units through conversion or an ADU retrofit, more than 250,000 homes could be created.





Areas with high access to employment

Map: Single-family units per 0.25 square mile

Most of these additional dwellings could be in the form of entirely new units, but in many other cases this assumes legalizing many existing conversions and ADUs.

These estimations are consistent with RPA's Fourth Plan. This aspirational vision for year 2040 assumes a more compact form of growth, particularly around downtowns and local centers. Under this scenario, the region's core would continue to grow, but as sprawl dissipates, adjacent counties would experience an even faster rate of compact growth in their local centers. ●





.... RECOMMENDATIONS

1. Promote ADUs and Conversions through NY, NJ, and CT State Legislation

Each state in the region should establish policies that provide guidelines for municipalities in the use of their local authority to regulate ADUs and conversions. State legislation should create a framework that establishes minimum standards and encourages municipalities to implement regulations that enable ADUs and conversions.

These state acts should be aimed at providing incentives that encourage local municipalities to enable this housing. Such policies would specify the rights of property owners and the powers that municipalities may exercise in regulating this type of housing. ● This may include but should not be limited to recommended guidelines for parking, owner occupation, design review, and other considerations. While maintaining local land use control, state policy should prohibit localities from regulating ADUs or conversions in ways that violate the intent of the act. If local regulations are found to be excessively restrictive in ways that make ADUs and conversions unachievable, the local provisions should be reevaluated and amended. ● This could include default provisions for obtaining a permit to create an ADU if a local community does not adopt an ADU ordinance. States can also provide grant programs and technical assistance to enable and encourage communities to adopt and implement ADU provisions. In some cases, and with the proper oversight, these new units could contribute to local fair share obligations required by the Mount Laurel Doctrine in New Jersey or the 8 – 30g statute in Connecticut. ●

2. Make it Easier to Legalize and Construct ADUs and Conversions through Zoning Code Changes and Local Ordinances





Many codes prohibit ADUs in single-family zones or put constraints on their construction with restrictive special permit requirements such as owner-occupancy, excessive parking, dimensional requirements, and others. Lifting these restrictions to promote ADUs should be explored in communities throughout the region. Any impact fees leveled for ADUs should account for their much lower impact on a neighborhood than traditional construction.

Zoning to enable and encourage ADUs and conversions would be a significant step towards addressing our region's limited housing supply and high housing costs without significantly changing the built environment in single-family neighborhoods. There is a significant amount of low-density housing in places with good access to transit and jobs, including more than 750,000 single-family homes (almost of which are McMansions) in areas with high access to employment. ADUs and conversions offer a creative approach to creating much needed and relatively affordable housing.

Remove Owner-Occupancy and Relational Requirements for ADUs

In zoning codes where ADUs are allowed, there are often special permit requirements that mandate that the primary or secondary unit must be owner-occupied or that the secondary unit may only be occupied by a relative of the occupant of the primary unit. These requirements restricting occupancy are a disincentive for property owners who might otherwise consider constructing an ADU on their lot, as well as being an improper intrusion of a municipality into the relationships of a specific household. Where they exist, these types of restrictions on ADUs represent an unfair burden on property owners and tenants alike and should be eliminated. Other building or zoning codes which dictate specific household structures, such as New York City's rule that three unrelated people cannot live in the same household, are also inappropriate and should be eliminated.

Relax Dimensional Criteria

While not a main driver, relaxing dimensional criteria can make it easier to create ADUs.





Fortunately, we don't have to. Done thoughtfully, every municipality can create more housing simply by allowing more flexibility within the context of existing land use patterns.



We can create hundreds of thousands of new homes in the region just by allowing accessory dwelling units (ADUs) and conversions of large single-family homes to two- or three-family homes, most of which would be in areas near transit.

Not all of these new homes would necessarily mean new people. Some would allow extended families to live in more comfortable situations, by having separate units for grandparents, older children or others currently living together in a single-family house. Others would allow for upgrades to legal dwelling units for people currently living in





transit.

Create Incentives for VISIBLE Housing Units

Visible housing units are designed to be easily lived in or visited by people who have mobility impairments. Creating more visible units increases the accessibility and resilience of neighborhoods, adding housing options for people to stay in their homes as they age, and removing barriers. A house is considered visible when it meets three requirements: one no-step entrance; doors with 32” of clear passage space; and one bathroom on the main floor that is accessible by wheelchair. ●

Accessory dwelling units can easily meet visibility requirements with a one-level floor plan and inclined walkway entrance. As it is more costly to retrofit existing structures, encouraging visibility from the start will foster more inclusive housing. Incentivizing visibility is beneficial for the entire community.

3. Create Flexible Parking Requirements

Flexible Parking Requirements in Areas with Access to Transit

In neighborhoods close to transit, on-site parking requirements should be minimized and in most cases, on-street parking on public rights-of-way should be considered as a viable option to accommodate ADUs. This will also avert the burden of creating parking where it's not needed. In general, removing minimum parking requirements for residential lots has the potential to reduce lot area used for pavement, preserve greenspace and landscaping, and offer greater flexibility to building forms. Additionally, it preserves on-street parking that could be lost to driveways and curb cuts.

Los Angeles has a similar policy. If the ADU is within a half-mile of a transit station, in a historic district, within one block of a car share, or part of an existing residence, the homeowner is not required to create more parking. ●





unnecessary curb cuts which eliminate on-street parking. Residents often worry that more housing will dramatically increase the number of cars, overcrowding the streets; however, there is no evidence that suggests ADU construction or home conversions cause parking problems. Instead of requiring off-street parking to prevent crowding the on-street spaces, municipalities can better manage the on-street parking. ● In addition, ADUs contribute fewer cars per household than single-family residences. ●

4. Provide Technical Assistance, Financing, and Information to Make it Easier to Build ADUs and Make Conversions

Create Programs that Promote ADU Construction and Conversions

Concerns about ADUs are often based on a lack of good information. Potential impacts of constrained parking and crowded schools are generally overstated while the many benefits are overlooked. Many residents can be unaware that ADUs even exist. By creating a local program that promotes ADUs, municipalities can disseminate knowledge of their capabilities and the positive impact it could have on their neighborhood. Changing the conversation around ADUs is key to their success as an effective housing development tool.

At the same time, local governments should launch programs to provide technical assistance for interested homeowners. These programs could include supporting elements, such as a government-run website to calculate what it might cost to build a secondary unit at any given locality. Other programmatic elements might include robust how-to guides and FAQ documents that demystify confusing zoning codes and permits.

Develop Toolkits to Simplify Technicalities

Many municipalities in our region allow for ADU construction, but enforce confusing, time-consuming, and expensive processes that discourage homeowners from engaging the





percent of homeowners reported that they had issues with the permit process and 22 percent had experienced poor professional help. ● Helping residents during the regulatory process will create more and safer new units.

Provide Local Financial Assistance

Often people underestimate the cost of building an ADU and can be disappointed when they discover just how high it can be. However, with proper financial guidance and products, ADU construction is possible and can transform into a lucrative investment. Municipalities should assess their current market conditions and create a local finance guide to ADU construction, and consider working with local firms on developing up-to-date finance and lending guides. It is difficult to standardize costs, especially as economic conditions frequently change, but a guide will be an essential starting point.

In addition, each state should consider creating a program that assists eligible homeowners to finance an ADU. Larger municipalities in the region could create or expand their own financing programs as well. In 2017, Boston launched their Additional Dwelling Unit Loan Pilot Project, offering homeowners in three pilot areas interest-free loans of up to \$30,000 for an ADU remodeling project. Following its success, the Boston Zoning Commission approved a city-wide zoning text amendment that scaled the program and made it permanent. ● Governments should also consider a program that specifically targets assistance to senior citizens.





Aging in Place: Benefits to Seniors

ADUs have all kinds of nicknames: in-law units, guest houses, casitas, and granny flats. While ADUs can benefit homeowners regardless of age or income, they have the potential to especially benefit seniors. Approximately 130,000 seniors in our region are currently living alone in single-family dwellings, mostly as property owners. ●

These homeowners may feel they now have more space than they need, or more yard space than they would like to maintain. ADUs can be an essential income source as they can be legally rented out, whether by a tenant or caregiver. They can also provide an opportunity to downsize on their own property while a tenant or family member resides in the principal unit. Furthermore, if an ADU is designed with an elderly occupant in mind, it can be designed accordingly and made ADA complaint.

AARP surveys consistently find that most seniors would prefer to stay in their homes and age in place. ● However, due to declining health, mobility impediments, or other external conditions, that may not be possible. Expensive traditional care facilities or live-in caretakers can be financially unfeasible for some families. An ADU is an ideal solution. It allows elderly individuals to maintain their independence while remaining close to family, it can provide an additional source of income, and it can eliminate high maintenance costs and laborious housework.





The following case studies have neighborhoods located within 60 minutes via transit to Manhattan's Central Business District or 30 minutes to a city with a population of more than 100,000. In all four examples, commuter rail is supplemented by bus services that further increase access to employment. Each of these case studies also represents a set of





North Hempstead, Nassau County

Of the 29 villages within North Hempstead Town, each with local zoning authority, only two allow for a family-occupied accessory unit, while the others fully prohibit it. In 2008, North Hempstead supervisors unanimously approved a measure that repealed the family requirement for accessory units, but reinstated it at the following meeting. The original policy intent was to allow senior citizens to rent out a portion of their home for additional income while providing a safe, legal option for young residents to stay in town. When the law was rescinded, the





family relation requirement, the new policies limit the ability of many property owners to pay their mortgages and property taxes, as well as opportunities for both senior and young residents who wish to stay in town. Additionally, it restricts the ability of senior citizens to have live-in caregivers in the ADU if the caregiver is not a direct relative. In this instance, state policies which clarify minimum rights — such as the ability of a senior to choose the live-in caregiver appropriate for them — and incentives to encourage accessory apartments could make a significant difference.





introduced one of the earliest model accessory apartment ordinances in the country in 1984. Unsanctioned apartments are common in Suffolk county, enabled by building types that make it easy to carve out accessory units. In the early 1990s, the town began adding these suspected apartments to the homes' assessments in order to collect more taxes from the increased residences. In 2017, Islip's assessment roll tallied 642 accessory apartments, as well as 418 mother-daughter units. But the same roll counts 3,623 presumed illegal apartments. Despite being one of the first municipalities in the region to enact ADU policy, illegal conversions still remain very common. In addition to revisiting the requirements of the local ordinance, some of these challenges might be resolved by implementing programs aimed at providing financial assistance and general technical support such as architecture and engineering help; low-interest loans for conversions; and help with understanding any additional expenses and responsibilities associated with legalization. Especially since homeowners are already paying the additional taxes associated with an extra unit, they will likely be receptive to programs which would streamline the legalization of these conversions and bring them up to code.





Greenwich, Fairfield County

The Town of Greenwich is served by four commuter rail stations, each less than an hour's ride to Midtown Manhattan and minutes from Stamford's business district. While over 90 percent of its 19,500 parcels contain single-family detached homes, there are only 90 permitted accessory units in the Town. It is a prime example of a municipality where there is significant potential to provide additional homes in the context and scale of existing neighborhoods and where the zoning to enable their creation is in place, but where restrictions in the code have limited the number of units actually created.

Greenwich's zoning code has allowed accessory dwellings since 1994 with the stated purpose to benefit elderly residents and persons of moderate income and to help preserve older homes. But a close look at the zoning code shows that there are multiple barriers to actually creating ADUs, including requirements that they





Based on an analysis of lots that meet the minimum lot size requirement for an ADU, only 15 percent of single-family lots in Greenwich are eligible for these units. For lots of less than 7,500 square feet, only about 5 percent could practically accommodate an ADU. And that is before other limiting factors are taken into account. So while Greenwich's zoning code is progressive in its intent to provide opportunities for older residents to stay in their homes and create more affordable housing in the Town, its application has been limited. Revisiting requirements related to accessory units presents an opportunity for Greenwich to modernize its ADU regulations and encourage the creation of more accessory units.





East Orange has two commuter rail train stations that arrive at Manhattan's Penn Station in under 30 minutes. As more than three-fourths of its single-family housing is located within a half-mile of these stations, there are significant implications for transit-oriented development. One ADU per lot is conditionally permitted in single-family residential zones, subject to approval by the zoning or planning board and limited in size to 25 percent of the principal building.

A minimum of 1 additional off-street space per ADU is required, plus another 0.5 parking spaces per extra bedroom. Maximum lot coverage allowed is 35 percent, for both the principal unit and the ADU. These dimensional and parking criteria can make it difficult to construct an ADU, even though the underlying zoning allows for it.

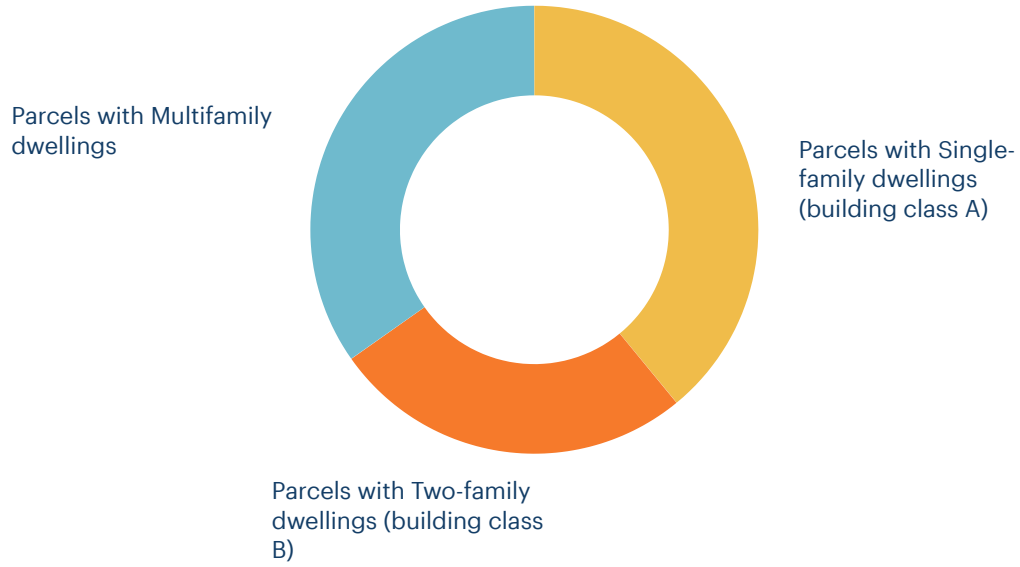
The municipality might consider eliminating their ADU parking requirements and relaxing some of their dimensional criteria. Since the 1950s, East Orange's population has steadily declined. With State coordination and incentives, enabling ADUs and conversions here could take advantage of its transit-oriented nature and close proximity to job centers, and generate population and economic growth with positive outcomes for the municipality.

In addition to East Orange, the surrounding municipalities of South Orange, Orange, and West Orange could also better incentivize ADUs and conversions, with South Orange's current master planning effort an opportunity to address these specific issues of use, zoning, design and regulatory requirements.





Types of Residential Land by Building Class



Source: NYC Department of City Planning - Pluto 2018 V.2





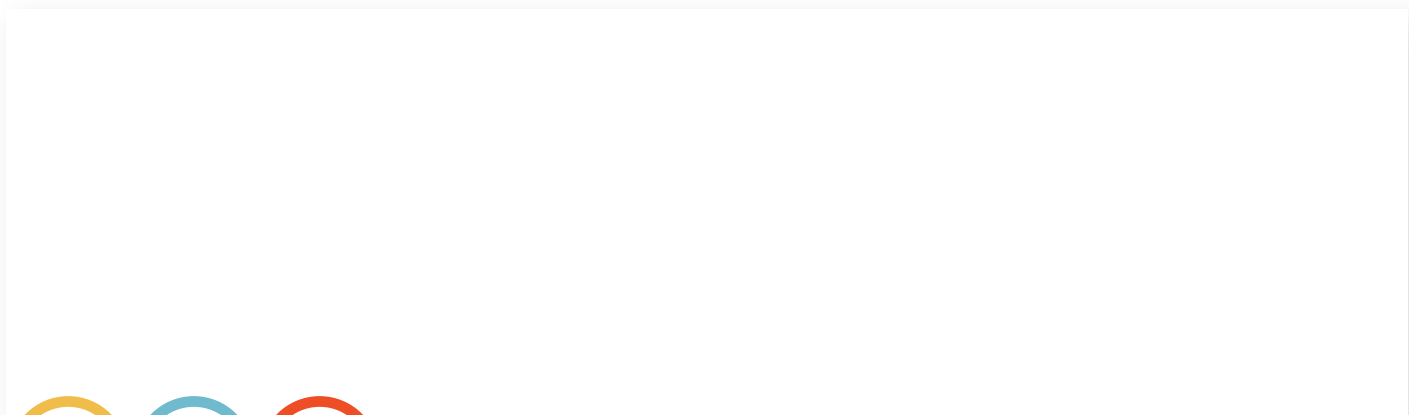
Throughout our region and over the last two decades the ratio of housing to job production has ranged widely. NYC alone has had the largest housing production to job growth undersupply, adding 363,000 more jobs than housing units produced. ● Even if the economic crisis resulting from COVID-19 temporarily reverses this trend, the pandemic is heading us toward a new wave of homelessness and foreclosures that is creating an even greater urgency to expand a diverse range of affordable housing choices. Allowing and encouraging more housing options will result in a stronger and more resilient recovery.

A recent report from NYC Department of City Planning revealed that even though the city produced consistent numbers over the past decade, job growth significantly outpaced housing production – by a rate of 3.6 net new jobs for every unit permitted. During pre-Great Recession years, the tendency was different. NYC permitted 3 housing units for every job gained.

But in spite of this general trend, the use of single-family zoning has actually increased in NYC. Today almost 10,000 more parcels require single-family detached homes than in 2002. And while single and two-family dwellings represent less than a quarter of the city's housing stock, they occupy over 65 percent of all residential land. ● As the five boroughs hold 37 percent of our region's population, it is critical that NYC reverses this trend and leads by example with solutions to address our housing and affordability crises.









A quarter-mile from the B/Q/S subway stop at Prospect Park, this block of Lefferts Manor in Brooklyn is zoned R₅ and homes are allowed to be converted to two-family residences





This block of Lefferts Manor 2 blocks south is zoned R₂, and homes are required to be single-family only. Because Lefferts Manor is a Historic District, both blocks are required to remain the same architecturally no matter the zoning.





One block west of the B/Q Express stop at Newkirk Avenue, homes are allowed to be single-family or two-family. The brown house is a single-family, the pink house next to it is a two-family.





One block east of the same stop, the same size and type of houses are required to be single-family only.

Just by allowing accessory dwelling units or conversions in large single-family and two-family houses, NYC can potentially create more than 100,000 new homes.





Map: Single-family housing



family parcels that meet appropriate dimensional criteria were retrofitted with ADUs or conversions, then over 100,000 new legal dwelling units could be created. All of this housing would benefit from proximity to NYC's subway, rail, ferry and bus network.

NYC already has over 60,000 parcels classified as being legally converted from single-family into two-family dwellings. This suggests that with the right policies, proper coordination across programs, and long term planning efforts, the ability to add 100,000 additional legal units created through conversions, extensions, and ADUs is highly feasible. Other organizations and campaigns looking at conversions, such as the BASE (Basement Apartments Safe for Everyone) campaign have also found similar possibilities, with the BASE campaign finding that potentially more than 110,000 units could be legalized. ●

NYC has about 80,000 parcels that are zoned for single-family housing only, and which are not classified as Historic Districts (R1, R1-1, R1-2, R2, R2A, and R2X). ● The highest concentration of these parcels exist in Queens (76 percent — 59,800 lots), with less on Staten Island (18 percent — 14,200 lots), Brooklyn (5 percent — 4,000 lots), and The Bronx (1 percent — 870 lots). There are none in Manhattan. Of these single-family zoned parcels, about half are underbuilt and could accommodate at least one ADU or a duplex, while maintaining maximum Floor Area Ratio (FAR) restrictions. Almost 7,000 of these parcels are significantly underbuilt and could add two more units while remaining within the maximum allowed FAR required by zoning. ● If a third of single-family zoned and underbuilt properties were to be retrofitted, then over 20,000 new homes could be created.





Map: Two-family housing

Even though only 15 percent of residential land in NYC is zoned for single-family homes, over 314,000 parcels – almost 40 percent of all residential land – are classified as single-family dwellings. About 142,000 of these parcels meet proper dimensional criteria for doing extensions or conversions that would allow ADUs or two-family dwellings. ● There are an additional 250,000 two-family dwellings (26 percent of residential land).





145k

120k

100k

80k

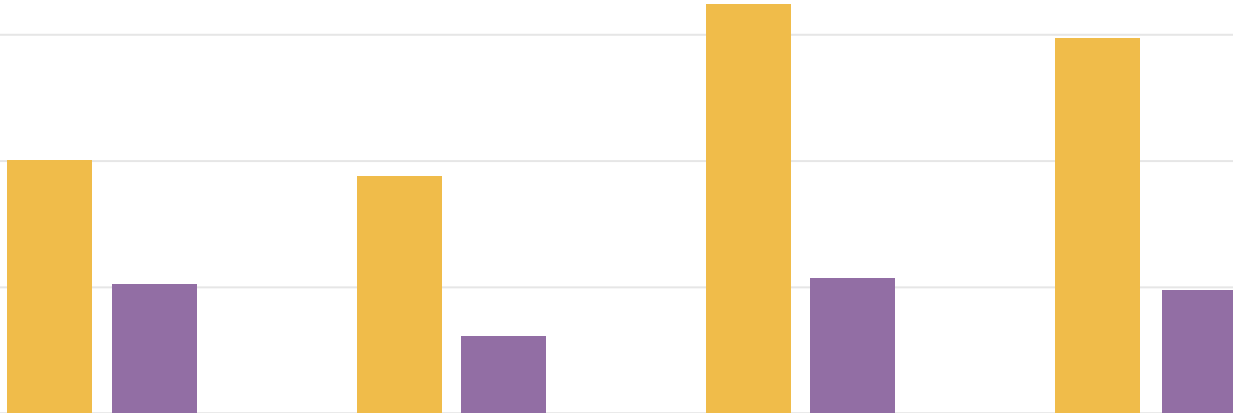
60k

40k

20k

0

Underbuilt Existing Parcels zoned for Single-family (historic districts excluded) Underbuilt Existing Parcels with Single-family dwellings (building class A) Large Existing Single-family dwellings (1520 sqft of residential floor area or more) Underbuilt Existing Parcels with Two-family dwellings (building class B)



Beyond these zoning districts, there are over 37,000 parcels with single-family dwellings that are underbuilt by more than 50 percent available FAR. An additional 65,000 parcels with single-family dwellings are large enough to accommodate another unit through a conversion. If a third of these units were to be retrofitted, then almost 34,000 homes would be created. An additional 60,000 homes could be created by facilitating extensions and conversions of two-family dwellings into three-family dwellings.

There are almost 250,000 two-family dwellings constituting 26 percent of all residential land, most of them in Brooklyn and Queens. From this stock, about 60,000 parcels are underbuilt by more than 50 percent available FAR. An additional 120,000 houses are large enough to be converted into triplexes.





dwellings. Again, not all of these conversions would necessarily add more people. In many cases it would simply allow for an extended family or non-family household to live more comfortably. In many neighborhoods in NYC, a large number of illegal conversion of single-family homes already exist. The ability to legalize these existing units, as well as create new units, would likely result from the implementation of these policies and estimates include both scenarios. ●

Consolidations in New York City

Since 2005, 6,395 apartments have been lost due to a multi-family building being consolidated into one large single-family residence. Compounding this, this phenomenon is skewed toward core, high-density areas where zoning and infrastructure supports more homes and people. The Upper West Side, Upper East Side, and West Village/SoHo are the three leading neighborhoods for this phenomenon, each losing over 500 units of housing to single-family consolidations. This is especially pronounced in the Historic Districts of Manhattan, with 75 percent of the consolidations in that borough being located in a Historic District.

Consolidations are a result of our increasing income inequality – one wealthy individual is able to outbid multi-family use by several households. This generally happens in the high-income areas of Brooklyn and Manhattan.

More than half of the units lost are in just 7 Community boards: the aforementioned three in Manhattan, and CB 2 (Brooklyn Heights/Ft. Greene),





Greenwich Village, 10 homes have changed from multi-family to single-family residences since 2005, eliminating 34 apartments on the block.

In addition to much-needed housing in these neighborhoods, this can also cost NYC money in property taxes. For instance, one building on West 76th street on the Upper West Side's annual tax bill went from over \$50,000 in FY2017 when it was a 16-unit apartment building, to under \$12,000 when it was converted into a single-family home in FY 2018.

RECOMMENDATIONS

1. Allow Housing Conversions and ADUs in NYC by Eliminating Zoning Requirements that Exclusively Require Large Detached Single-Family Dwellings

Zoning districts R1, R1-1, R1-2, R2, R2A, and R2X only allow detached single-family dwellings (or community facilities); any other type of land uses are prohibited. Almost 80,000 parcels in NYC have a zoning requirement that prevents a homeowner from converting their single-family home into a two-family home, even if it would require no new construction and not affect the exterior of the building at all. Furthermore, even when the building envelope is within the allowable Floor Area Ratio (FAR), excessive yard requirements and Dwelling Unit Factors, would often impede the ability to build an ADU or reconfigure residential area. These types of dimensional criteria should be waived or relaxed. Finally, the number of permitted land uses should be expanded to include and allow for two-family or more dwellings. Dimensional criteria should be relaxed and expanding the number of permitted land uses to include and allow for two-family dwellings in these zones should be instituted.





Two-family home converted from a single-family building. Glendale, Queens
(class B3).





Single-family dwelling with garage being converted into a second residential unit.
Ridgewood, Queens.

2. Disincentivize Consolidations Through Zoning, Tax, and Building Code Reform

There are an increasing number of units in multi-family buildings being lost to consolidation into single-family luxury homes. Manhattan has seen a 44 percent increase in single-family residences, with 723 additional single-family homes over the past two decades. These almost always do not come from new construction, but rather from multi-family buildings being turned into large single-family residences, costing the city much-needed housing near jobs and transit.





multi-family uses in Manhattan and nearby neighborhoods. However, the core of the region, with its significant access to jobs and transit, is the place where we can least afford to lose housing units.

While it is difficult to legally prohibit these types of consolidations, they should continue to be treated as the previous multi-family buildings for property tax purposes. Overly large new residences above a certain square footage should also be treated as more than one residence for property tax purposes. For example, a newly built 12,000 square foot penthouse could instead be treated as four 3,000 square foot units for property tax purposes. Other disincentives through building or zoning codes could also be explored, including classifying overly large residences as an inappropriate use in multi-family districts.

3. Support NYC's Basement Apartment Program Expansion on a City-Wide Level, and Look for Opportunities for Other Ways to Add ADUs

Greater housing choice can create more variety in unit prices and living arrangements, meeting a wider range of needs for prospective renters and homeowners. There is interest in accessory dwelling units, spurred by studies indicating a significant number of illegal basement and converted units. A 2008 study found that 114,000 new illegal units were added city-wide in just 10 years, ● and news coverage shows an increase of illegal micro-units being created. ● Most of these conversions happen in the outer boroughs.

In early 2019, NYC signed into law a pilot program in East New York that modifies code standards and offers low or no-interest loans that facilitate safe basement apartment units. In early 2020, NYC announced that it would expand this program citywide. However, due to upcoming budget cuts, this program is now slated for elimination completely.





This program should be retained and expanded citywide as originally slated, and other reforms to laws and building codes should be explored in order to ease not just basements, but attic, garage and other space conversions that could still meet safety standards.

4. Rethink Off-Street Parking Requirements for Two- and Three-Family Homes

Adding additional units in any zone up to R₄ means adding another off-street parking space as well, unless it is an IRHU (income restricted housing unit) which are very rare in two- and three-family homes. These parking restrictions prevent thousands of buildings from adding another unit, even if the house is otherwise able to convert or add an ADU. Especially near transit, these parking restrictions need to be modified or eliminated. This includes rethinking the excessive parking requirements in Lower-Density Growth Management Districts.

There can be many benefits to increased density if done smartly: improved infrastructure, better mobility and transportation, a more active local economy, and a more vibrant community. But there are also many misconceptions about the impact of increased density, and it is important to address these concerns head-on. In fact, in many cases, density can solve the very problems that many fear it creates.

*** PROPERTY VALUES WILL BE IMPACTED DUE TO HIGHER DENSITY



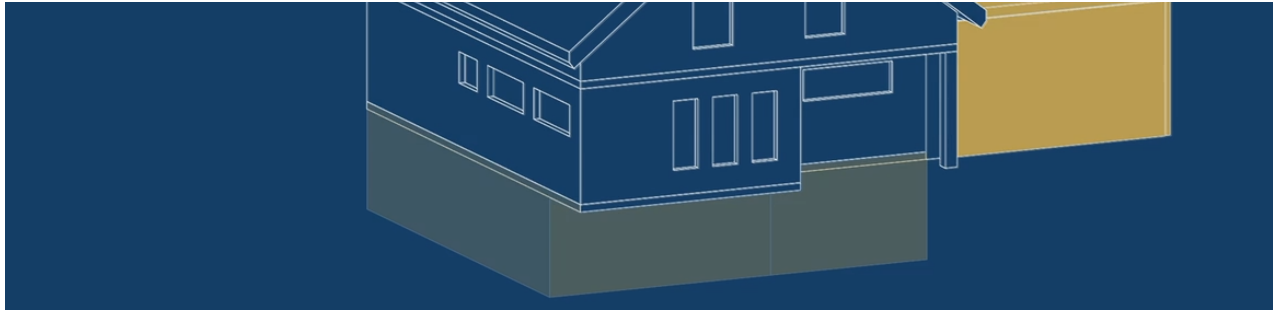


States and municipalities will need to be partners in this effort if we are going to make an impact on our housing crisis. State governments will likely need to take the lead in setting the overall guidelines and directives for these policies, as well as in providing financing and other incentives to effect these conversions. Municipalities will need to develop the specifics of these new ordinances to fit into their land use frameworks and make sure they work on the local level. In this way, a balance can be reached that provides clear standards and easy implementation, while still respecting the uniqueness of every neighborhood.

This report examines ideas that could be implemented through state legislation or at the local level through zoning or other land use actions. Other organizations, such as the American Association of Retired Persons (AARP), provide useful and detailed Model State and Local ordinances, offering a range of options that can be utilized depending on housing demand and specific local conditions. ●

We can create new housing without new buildings.





.... REGIONWIDE

1 Promote ADUs and Conversions through New York, New Jersey, and Connecticut State Legislation

Each state in the region should establish policies that encourage municipalities to implement local regulations that enable ADUs and conversions. These policies should specify the minimum rights of owners to create accessory apartments and include recommended guidelines and assistance to municipalities. In some cases, and with the proper oversight, these new units could contribute to local fair share obligations required by state law. ●

2 Make it Easier to Legalize and Construct ADUs and Make Conversions through Zoning Code Changes and Local Ordinances

With or without state policy, municipalities in our region should update their zoning and other relevant local ordinances to make it easier to create ADUs and conversions. Incentives for good design and accessibility should be included, and strict standards on things like occupancy or dimensional criteria of ADUs should be relaxed. Regulations that require large lots should also be minimized.

3 Create More Flexible Parking Requirements

Parking standards can make or break ADU and conversion policies. In neighborhoods close to transit, off-street parking requirements should be





be high, especially for ADUs, new units can be sensible long term investments as homeowners have the ability to collect rent while paying minimal maintenance costs.

Still, as with any unplanned new construction, there will likely be a negative effect if construction of new units is done haphazardly. When ADU construction or conversion is part of a coordinated development and planning strategy that considers compatibility and growth, the fear of declining property values has little basis. In fact, it is more likely that property values will rise. ●

... **EXISTING INFRASTRUCTURE WILL BE UNABLE TO COMPENSATE FOR THE ADDED DENSITY**

Increased density can both encourage and facilitate infrastructure investment, while also enhancing the viability of community services such as health, education, and recreation. More compact forms of growth can also reduce infrastructure duplication and make efficient use of present capacity.

Studies have found that the cost of building infrastructure and providing services is proportionate to how far apart homes are located. ● It has also been estimated that urban sprawl costs the U.S. economy more than \$1 trillion each year. ● Efficiencies compound in a favorable way when cities grow in more compact patterns. As more housing units are built along a road or sewer line, the capital cost of infrastructure and services per house decreases. This has been demonstrated by calculating the costs of infrastructure per capita, and looking at the correlation between travel distances and the cost of providing services such as transportation, education, water, and solid waste, among others. Consistent findings demonstrate that the cost of infrastructure and administering services increases in direct proportion to how far apart homes were spaced. ●





from more compact growth will reduce the costs of providing and maintaining public infrastructure. ADUs and conversions, as defined in this report, lay out mechanisms that are both non-invasive, and a smarter path for long-term growth and management.

When we talk about adding more housing, one of the first concerns raised in local communities is typically what the impact will be on the school district. Recent research on this subject looking at actual numbers in New Jersey shows that, on average, large single-family homes or other low-rise developments add by far the most school children per unit. Smaller units – which are the vast majority of ADUs – as well as mid- and high-rise developments add significantly fewer. ●

But ultimately, if the proposals in this report do end up adding new children to a particular community, educating young people is a regional civic responsibility. More and more places are seeing the benefits of welcoming new neighbors of all ages, rather than fighting proposals that intend on passing the burden over to the next neighborhood or municipality. As recommended in the Fourth Regional Plan, if states should take up far more responsibility for funding schools, then a growing population is seen as less of a burden.

*** INCREASED DENSITY WILL CAUSE TRAFFIC AND TRANSIT CONGESTION

Higher-density helps expand transportation choices by providing riders options like bike, bus, and rail. It also encourages walkability. Investments in transportation systems need density to justify resource allocation and achieve returns. With destinations close by, car trips become shorter and more infrequent. People can choose to walk, bike, or take transit at least some of the time.

Current problems with traffic and congestion are not because of higher density, but due to systemic inefficiencies resulting from urban sprawl and under investment in transit





and the public at large have a growing understanding about the implications of properly funding transit infrastructure. Recent commitments and significant investment have been allocated towards improving our transit. This year alone, NYC, New York State, Connecticut, and New Jersey have announced major transit upgrade plans, which need to be fully funded and continued. ● While important obstacles still need to be overcome before these commitments are fully implemented, ● there is growing consensus that density is not the problem, rather the solution for more efficient mobility and creating healthier, more equitable, and prosperous communities.

Be my Neighbor Appendices

Evaluating long term benefits and potential financing options is key to successful ADU construction. Likewise, evaluating legislation across the country provides a policy roadmap for municipalities.



read the appendices

Next Steps

Our region can produce homes in a cost-effective way that supports the distinct goals and economic growth of





additional major construction.

The strategies outlined offer a way to add homes where they are most needed, while expanding the rights of homeowners to flexibly adapt their homes as they see fit. These homes would have the added benefit of likely being more affordable than housing in newly constructed buildings, and would increase tax revenues with few direct public costs. Accessory dwellings are less expensive than principal units, and smaller units are less expensive than larger units. In addition, many of these homes will be produced in desirable, walkable urban areas which have existing good urban infrastructure and few opportunities for newly constructed affordable housing.

Our region can no longer escape its need for new housing options, and other major cities have paved the way. Creating an accessible path for homeowners to legally create more units on their property helps both municipalities and residents by generating sustainable economic activity and beneficial community resources. Planned and implemented thoughtfully, ADU and conversion policies are part of the answer to our region's housing crisis.

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