

COVERSTORY



HOME STRETCHED

Some say state plan to allow accessory dwellings at single-family homes will destroy Long Island, while others say it's a lifeline in housing crisis

By **DAVID WINZELBERG**

Depending on who you talk to, a state plan to allow accessory dwellings at properties zoned for single-family homes will either be the death of suburbia or a solution to the area's growing housing crisis.

A proposal from Gov. Kathy Hochul that would require municipalities to allow for accessory dwellings in single-family-zoned neighborhoods has ignited a firestorm of opposition from local leaders, while advocates say it offers a creative option in combating Long Island's housing crunch.

The proposed legislation, which is included in the governor's 2023 budget plan, would mandate that municipalities allow a mini-

mum of one accessory dwelling unit (ADU) on owner-occupied residentially zoned lots.

The aim of increasing ADUs, which could include backyard cottages, attics, garages and basements, is to "provide an affordable multi-generational housing option that helps families live closer together."

The legislation would allow municipalities to set minimum and maximum size requirements that both meet safety standards but not prevent reasonable new construction.

And while the governor's proposal doesn't force municipalities to create accessory dwellings but rather mandates that they allow single-family homeowners to have them as of right, more than 100 local elected officials are opposing the plan, claiming that it negates home rule and would put an

undue burden on services.

A group of elected officials, led by Nassau County Executive Bruce Blakeman, held a press conference outside a single-family home in East Meadow last week to denounce the governor's ADU plan.

Blakeman, who was joined at the press event by Oyster Bay Town Supervisor Joseph Saladino, Hempstead Town Supervisor Don Clavin, North Hempstead Town Supervisor Jen DeSena, and dozens of others, said the proposed legislation to require municipalities to allow more accessory apartments would "destroy Long Island suburbs" by effectively eliminating single-family zoning.

"Long Island families work hard to achieve the American dream of homeownership and enjoy a suburban way of life," Blakeman said.

"We cannot let the governor destroy suburbia nor turn Nassau County into the sixth borough of New York City."

The officials called Hochul's proposal an "urbanization plan" that would negatively impact the environment, traffic, parking, emergency services, police protection, gas and electric supply, sanitary sewers and water supply, and local school systems.

"Gov. Hochul has declared war on the suburbs, the environment, local infrastructure, our schools, accessible parking and manageable traffic, among all of the other benefits that go along with the suburban quality of life that we enjoy on Long Island," Clavin said.

Rep. Tom Suozzi (D, Glen Cove), who is running to unseat Hochul, is also op-

posing the governor's accessory dwelling plan, calling it a "direct attack on home rule." Suozzi called Hochul's plan a "radical proposal would take away zoning control from municipal governments, erode local government authority, and end single-family housing across New York."

In response, Hochul's Press Secretary Hazel Crampton-Hays said the governor's \$25 billion, five-year housing plan will create and preserve 100,000 affordable homes and make affordable housing more accessible, equitable, and stable for New Yorkers.

"The proposed bill would not end single family zoning but would further the rights of individual homeowners to determine how best to use their property by providing homeowners on fixed incomes the opportunity to have additional rental income to stay in their homes or create multi-generational housing to care for elderly relatives and would allow municipalities to require necessary health and safety measures for new units," Crampton-Hays said via e-mail.

The creation of accessory dwellings in single-family neighborhoods has been encouraged by local housing advocates for years, touted as a solution to the high cost of housing and a way to keep young people, seniors and others from being forced to leave pricey areas like Long Island.

Similar legislation that legalizes and encourages the creation of ADUs has already been enacted in several states. Just last summer, Connecticut legalized accessory dwell-

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ings as part of a sweeping housing reform effort. After California adopted legislation in 2017 to allow accessory dwellings, 23,000 ADUs were completed from 2018 to 2020, with thousands more in the pipeline, according to Karen Chapple, professor emerita for City and Regional Planning at the University of California at Berkeley.

"How this happened is a story of research and advocacy, plus lots of education, but it's also the story of what can happen through state action," Chapple said during a White House presentation on ADUs held earlier this month. "We're in a rental housing affordability crisis and homeowners feel a bit trapped. They need more flexible housing to meet their life circumstances. Whether it's a kid coming home from college, or they have to care for a relative or work from home or just get more income."

Hunter Gross, president of the Huntington Township Housing Coalition, called the opposition to Hochul's plan sad.

"For so long, we've had a housing crisis on Long Island. Recent college graduates who want to come back to Long Island and grow the local economy here are being priced out," said Gross, who supports the plan to allow ADUs. "It's a way for homeowners to mitigate their costs and it's a way for young people, seniors and workers on Long Island to have a reasonable way to afford to stay here."



Nassau County Executive Bruce Blakeman and dozens of local officials denouncing the governor's ADU plan at a press conference outside a single-family home in East Meadow last week.

Huntington is among a small handful of Long Island municipalities that already allows accessory apartments in single-family homes under certain conditions. However, there are currently thousands of illegal apartments within single-family homes throughout Nassau and Suffolk counties, where tenants are living in unregulated and sometimes unsafe conditions.

"Nobody wants to live in unsafe housing. Nobody wants to live in an attic or a basement," says Ian Wilder, executive director of Bohemia-based Long Island Housing Services. "But they're doing that because they can't find anything else that they can afford to rent."

The average monthly rent for new renters in Nassau shot up by 35 percent over the last year, according to a report from Redfin, with new renters paying an average of \$3,718 a month in Dec. 2021.

Besides the high prices, Long Island lags other major suburbs in creating new housing. From 2010 to 2018, municipalities in Nassau and Suffolk approved the lowest number of new housing units per 1,000 people than suburbs in New Jersey, Connecticut, Massachusetts, Virginia and Maryland, according to the nonprofit Citizens Budget Commission.

Wilder said allowing for more accessory dwellings is a market-based solution that many would prefer as opposed to government-built housing projects.

"This gives people a path to do what they're doing anyway in a safe and legal manner," he said. Wilder added that while local officials are complaining about the burden that ADUs will put on services, those municipalities are already providing services for illegal housing that they're not being compensated for.

Industry observers also expect that single-family properties that add accessory dwellings will need to be assessed at a higher value, which would add property tax revenue to help municipalities offset increased costs for services.

Attorney Simone Freeman, a partner at the Garden City-based Jaspian Schlesinger law firm, who focuses on land use and zoning law, agrees that ADUs can be a good option for some homeowners, but opposes a state mandate because it's not right for every neighborhood.

"They may want it and in certain circumstances where it might be a family member who wants to stay here and that might work," Freeman said. "But on the flip side, especially on Long Island, there are some places where it might not work because it might become too densely populated or it might not be feasible."

Instead, Freeman favors an incentive-based initiative that rewards municipalities for creating more housing options.

"I think incentive-based funding is a better way to go," Freeman said. "Providing incentives to a municipality to take a hard look at their zoning code to determine where they can have the extra density would probably be helpful. There's plenty of places in a lot of different towns, especially on the Island

and upstate where you could revitalize the area and take uses no longer being used the way they were set up to function, change the zone and revitalize those areas and also take advantage of incentives for developers and municipalities."

The governor's office points out that the housing plan does include an allocation of \$85 million over five years for municipalities and nonprofits to create loans or grants to legalize or create new ADUs.

Still, Freeman said the biggest problem with the governor's ADU plan is that the state is attempting to usurp home-rule power and every community is different.

"And yes, they don't always do what they're supposed to do, and we know that, and sometimes they have to be pushed," she said. "But that's the hallmark of your local government and your local government is supposed to know best. Whether or not they choose to exercise that power is another story."

■ DWINZELBERG@LIBN.COM



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