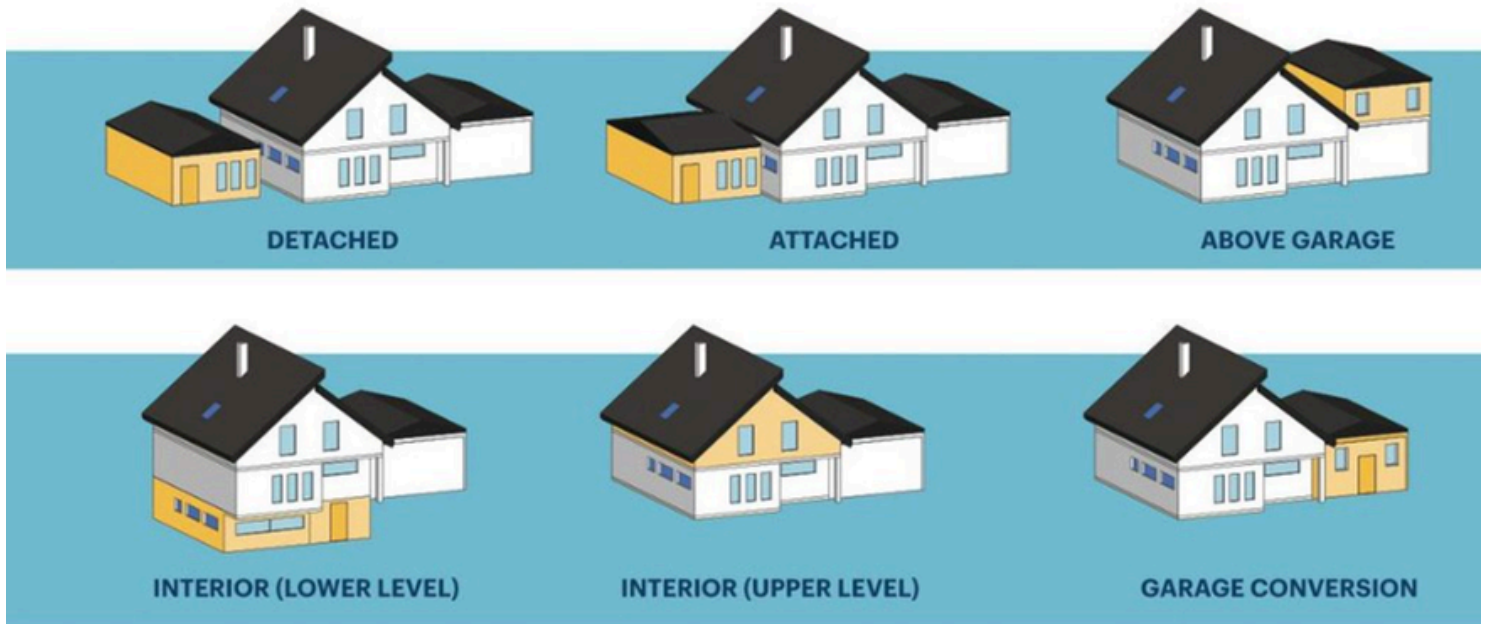




Accessory Dwelling Units (ADUs)

An accessory dwelling unit is typically a small apartment either within/attached to the primary dwelling or in/as a standalone structure elsewhere on the property (e.g., above a detached garage, in a converted barn, or as its own small building). ADUs are sometimes called in-law apartments or backyard cottages.



Types of ADUs. Source: rupco.org/plusone

Benefits

- Encouraging ADUs in your community can allow for a small but impactful source of additional housing units, which are often naturally more affordable because of their small size.
- ADUs can introduce diversity of housing size and type into your community with little to no impact on any specific neighborhood, as they are spread across the community and built one at a time.
- Shrinking household sizes means that many single-family areas have fewer people in them than they used to – adding ADUs can help bring vibrancy back to neighborhoods.
- ADUs can offer valuable flexibility to residents, providing a way for young people to stay in their hometown and for older residents to remain on their properties.
- ADUs can also provide an income stream to the homeowner, if rented.





Common Concerns

If we allow ADUs as-of-right, our community will be overrun with them, effectively doubling the density in our neighborhoods which will make them crowded and create traffic congestion.

- **Response:** Building an ADU is expensive and challenging, and most homeowners are not interested in being landlords. Septic and well capacity are also limiting factors in areas without central infrastructure. When ADUs are built, they tend to be spread out across a community, with little to no impact in any one area.

Allowing rentals in a largely owner-occupied neighborhood will reduce quality of life.

- **Response:** Rental housing is an important and often underrepresented part of our housing market. It is vital for those starting out, downsizing, and for many of the essential workers we rely on every day. ADUs are also small, with generally only one or two occupants, and the homeowner has more incentive than anyone to ensure they operate smoothly and quietly. Also, some ADUs will be occupied by family members of the homeowners.

Strategies

Many communities technically allow ADUs but regulate them so strictly that they are only truly possible for a very small number of residents. The strategies below address some of the common overregulation issues that prevent these laws from achieving the desired benefits.

- Allow as-of-right; avoid requiring site plan or special use permit approval.
- Avoid including ADUs in density calculations. ADUs should be an allowable accessory use on all residential parcels so long as the structure complies with bulk regulations.
- Avoid overregulating the maximum size – allow at least 800 square feet and/or at least 50% of the size of the primary dwelling. Higher maximums are often appropriate, especially in rural settings. Minimum sizes are also not necessary – state building code provides a natural minimum.
- For detached ADUs, allow new construction or, at a minimum, allow in existing structures that are a given age (e.g. 5 years old) at the time of the application (avoid tying the age of the structure to a fixed date, like the date of adoption, since over time that will make the law unnecessarily stricter).





- Minimize the number and complexity of any supplemental regulations.
- Consider commissioning architectural plans for one or more detached ADU styles that meet local design expectations. Residents could then choose a pre-approved style, saving on design costs and ensuring quality. The City of Kingston [hosted a design competition](#) to choose pre-approved ADU plans.

Other Resources

- The Westchester County Department of Planning’s model ordinance could be a good starting point if your community is considering new ADU regulations: www.wmpf.org/wp-content/uploads/2022/05/ADU-Model-Ordinance-Westchester-Co-NY-Nov19.pdf
- The AARP is a proponent of ADUs and has many resources, including their own model ordinance: www.aarp.org/adu. Their publication on removing local barriers to ADU construction could be particularly useful: www.aarp.org/pri/topics/livable-communities/housing/expanding-adu-development-solutions-local-barriers
- Municipalities can apply to New York State’s ADU +1 program, which provides financial assistance to qualified homeowners who wish to build an ADU. The program is only offered in municipalities that have enrolled in it: hcr.ny.gov/adu
- Affordable housing advocacy group ShelterForce has a series of articles on the benefits of, and barriers to, ADU construction: shelterforce.org/series/adus-explained

