

## **General Frequently Asked Questions (FAQ) on Ancillary Dwelling Units (ADUs)**

### ***1. What is an “ADU”?***

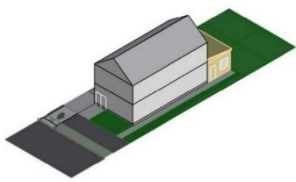
An Ancillary Dwelling Unit, or “ADU” is a small, independent residential dwelling unit located on the same lot as your home. The unit could be located within the existing home or could be a fully independent structure on the same zoning lot. ADUs come in a variety of types, including basement or cellar apartments, attic conversions, other internal conversions, or detached structures often referred to as in-law suites. ADUs in general are also interchangeably referred to as Accessory Dwelling Units.

### ***2. Why should I add an ADU to my home?***

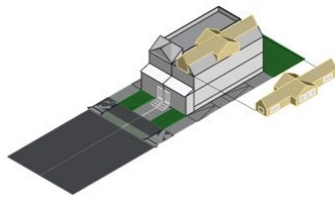
Adding an ADU to your home can allow you to use excess space on your property’s lot to create new, affordable housing. An added unit could create housing for a family member or loved one, increase your property’s value, and generate additional income for your household. If you have a basement, attic or attached or detached garage space on your property, you could convert that space into an ADU.

### ***3. What type of ADUs can I add to my home?***

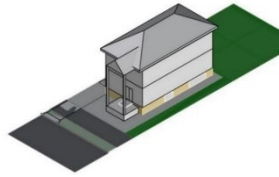
An ADU can be converted from existing space, such as in the unused attic, basement or garage of your home. They can also be a newly built structure in space within your backyard, such as a shed or detached garage. Be sure to verify your proposed ADU meets existing requirements under the existing NYC building and zoning codes. ADUs in separate buildings and basements are not allowed in the coastal flood zone or inland flood zone. Backyard ADUs are not allowed in R1-2A, R2A, and R3A districts outside the Greater Transit Zone, and backyard ADUs are also not allowed in Historic Districts. You can find out if you are in any of these areas on [www.zola.planning.nyc.gov](http://www.zola.planning.nyc.gov)



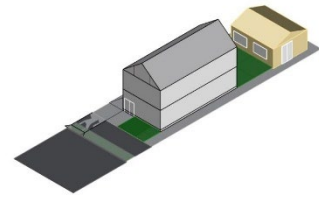
Attached Structure



Attic



Basement



Detached Structure: New Construction, OR  
Detached Structure: Garage/Shed Conversion

#### ***4. What is the minimum or maximum size an ADU can be?***

There is no minimum unit size for ADUs, but these units must comply with rules in the Housing Maintenance Code that govern minimum room size. ADUs cannot exceed 800 square feet. If you are building a detached ADU structure in your backyard, the structure cannot exceed 33% percent of your required rear yard.

#### ***5. Are two-family buildings allowed to build ADUs?***

Two-family buildings are permitted to add one ADU. In some cases, adding an ADU to an existing two-family dwelling will trigger compliance with the [Multiple Dwelling Law](#) (MDL). MDL essentially requires additional upgrades are made to the entire building to ensure the building is safety to house more occupants. The MDL is not triggered when the ADU is fully detached or attached with a fire-separated wall between the ADU and primary structure. The MDL applies in all other instances where a 2-family building adds an ADU.

#### ***6. How do I know if the MDL applies or makes a unit infeasible on my property?***

Multiple Dwelling Law applies to 2-family buildings adding a third unit, unless the third unit is in a separate building (either a detached structure or an addition separated by a firewall).

The Multiple Dwelling Law has many requirements, some of which may require specific upgrades to a building that make adding a third unit because of costs (e.g. adding sprinklers) and others may be infeasible because it requires serious structural changes to the existing building (e.g. requirements related to building footprint, egress and common spaces, and room sizes in the entire of the building).

The relevance of feasibility of these standards will vary by site, and it is up the property owner to determine if these make the addition of the third unit infeasible.

#### ***7. Is there a parking requirement for my ADU?***

No, you are not required to add a new parking spot if you are building a new ADU on your property.

#### ***8. Can an ADU be two stories? Can an ADU be elevated for flood resistant purposes?***

ADUs shall not exceed one story or 15 feet in height, except where a parking space is provided below a portion of a building containing an ADU. In those cases, the maximum height of the building can be two stories or 25 feet. The height of an ADU is measured from the Base Flood Elevation so it may be elevated for flood resistance purposes.

***9. Can an ADU go in the front yard?***

No.

***10. What is the minimum distance required from the lot line if I want to build a detached ADU?***

An ADU is required to be a minimum of five feet from the lot line if you are building a new, detached ADU on your property. If you are building within the footprint of an existing structure (e.g. a garage), you may build the ADU within that footprint.