

Digest on Senate Bill 4547 and Assembly Bill 4854

Our legislature is proposing 2 bills that mirror each other. The Senate Bill which was on 2/5/21 referred to Judiciary and The Assembly bill which was referred to local governments on 2/8/21. And presently, referred to a round table for commentary. These bills will if passed allow for people to rent "apartments" (Accessory Dwelling Units ADU's) on their property. The bill is drawn in a manner in which to freely allow these new type of rentals. The bills currently are not in their final form.

This report seeks to highlight the relevant portions of these bills to our community. The bills are mirror images of each other. The italic portions below are the committee's comments and where to find relevant information within the bill.

The Bills summary, both state as follows: **Provides regulations for the adoption of local ordinances for the creation of accessory dwelling units; and provides for the inclusion of an accessory dwelling unit in the term housing accommodation in the human rights law.**

The bills further state;

TITLE OF BILL:

An act to amend the real property law, in relation to accessory dwelling units; and to amend the executive law, in relation to including an accessory dwelling unit in the term housing accommodations in human rights law

SUMMARY OF PROVISIONS:

The bill works with local governments to create local ADU laws.

- The bill defines an ADU as an apartment, located on a lot with a primary residence that includes permanent provisions for sleeping, eating, cooking, and sanitation.**
- The bill directs localities to adopt local ADU ordinances that: *Allow ADUs on lots zoned for residential use and lots where a residential use exists;**

The bill has 6 sections: this report will highlight what we believe our important sections to our community: Here are the 6 Sections.

ACCESSORY DWELLING UNITS

SECTION

- 480. DEFINITIONS.
- 481. ACCESSORY DWELLING UNIT REGULATIONS AND ORDINANCES.
- 482. STATE REVIEW AND ENFORCEMENT.
- 483. LOW AND MODERATE INCOME HOMEOWNERS PROGRAM.
- 484. GOOD CAUSE EVICTION OF A TENANT.
- 485. SEVERABILITY.

Section 480 defines all the terms used in Bill.

Section 481 sets up and creates accessory dwellings – The definition of areas these accessory dwellings will be allowed is extremely broad, and restrictions are to be narrow construed. It does not have to be detached. The home has to be owned for a year but does not have to live on the premises. The Bill States:

(A) DESIGNATE AREAS WITHIN THE JURISDICTION OF THE LOCAL AGENCY WHERE ACCESSORY DWELLING UNITS SHALL BE PERMITTED. DESIGNATED AREAS SHALL INCLUDE ALL AREAS ZONED FOR SINGLE-FAMILY OR MULTIFAMILY RESIDENTIAL USE, AND ALL LOTS WITH AN EXISTING RESIDENTIAL USE.

(B) AUTHORIZE THE CREATION OF AT LEAST ONE ACCESSORY DWELLING UNIT PER LOT IN DESIGNATED AREAS.

(C) PROVIDE REASONABLE STANDARDS FOR ACCESSORY DWELLING UNITS THAT INCLUDE, BUT ARE NOT LIMITED TO HEIGHT, LANDSCAPE, ARCHITECTURAL REVIEW AND MAXIMUM SIZE OF A UNIT. **IN NO CASE SHALL SUCH STANDARDS UNNECESSARILY IMPAIR THE CREATION OF ACCESSORY DWELLING UNITS.**

This section has further requirements of where the accessory dwellings may be located (481(d) (i-v) what government restrictions may be imposed 481 (2) (a-g). The details are to be left to the municipalities. But every lot has to be eligible for an ADU. Again, this is given a very broad definition.

In sections 4-6 they discuss parking and there are no parking requirements the bill specifically states: NO PARKING REQUIREMENT SHALL BE IMPOSED ON AN ACCESSORY DWELLING UNIT.

5. THE LOCAL AGENCY SHALL NOT REQUIRE THAT OFF-STREET PARKING SPACES BE REPLACED IF A GARAGE, CARPORT, OR COVERED PARKING STRUCTURE IS DEMOLISHED IN CONJUNCTION WITH THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT OR CONVERTED TO AN ACCESSORY DWELLING UNIT.

This will clearly lead to a reduction of parking in many of our neighborhoods.

This section goes on to give a 60 day time line for the application to be approved or rejected, permit process appeals process state review etc. this is the administrative process. 481 (6-19).

Section 482 has the state review and enforcement of this law. And to adopt further ordinances.

Section 483 is for low and moderate income and outlines the procedure to obtain. (Read at your leisure).

Section 484 is for evictions (read at your leisure).

Section 485 is severability if part of the bill is deemed unlawful the rest remains as feasible.