



New York State Association of REALTORS®, Inc.

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October 13, 2021

Assemblymember Fred Thiele
Chair of the New York State Assembly Standing Committee on Local Governments
New York State Capitol Building
Albany, New York 12248

RE: Public Hearing on The Role of Local Governments in Accessory Dwelling Unit Siting

On behalf of the more than 64,000 REALTORS® living and practicing throughout New York State, the New York State Association of REALTORS®, Inc. (NYSAR) appreciates the opportunity to submit testimony regarding the siting and regulation of accessory dwelling units. NYSAR strongly supports the idea of providing additional opportunities for the creation of more affordable housing by allowing for the development of accessory dwelling units, however we **oppose legislation A.4854(Epstein)/S.4547 (Harckham)** as currently drafted.

The bill mentioned above would direct localities to establish ordinances to allow for the creation of accessory dwelling units (ADUs) and would establish minimum standards and regulations for local ADU ordinances. Although well intended, this bill includes a “good cause eviction” provision which will place an unnecessary burden on interested homeowners considering the addition or creation of an ADU and ultimately disincentivize homeowners from renting out an ADU to prospective tenants.

Specifically, NYSAR opposes the cap on rent increases to 1.5 times the CPI or 3 percent as defined as an “unreasonable rent increase” within the bill. This restriction fails to take into account any future higher assessment of the property, particularly once the accessory unit would be legalized. Additionally, this provision would make it cost prohibitive to properly maintain and improve the property should any significant repairs or renovations be required.

Another point of concern with regard to A.4854/S.4547 is the prohibition of an eviction by the property owner, except under certain circumstances as defined in the bill. Under the proposed legislation, an owner of an ADU would not be permitted to evict an ADU tenant upon the expiration of a contractual lease, or even in the case where no lease exists, thereby creating a scenario of a perpetual lease. We believe this provision is problematic and will run counter to the intent of the bill by disincentivizing homeowners from establishing ADUs due to the added burden and risk of losing rights to their own property.

There is no doubt that New York State is experiencing a shortage in housing inventory and NYSAR would strongly support efforts to allow for the development and creation of more affordable housing through the creation of accessory dwelling units, however, we believe imposing the broad restrictions included in A.4854/S.4547 is not the solution.

We would respectfully urge state lawmakers to consider amending the bill in order to better encourage accessibility to accessory dwelling units in New York State. For those reasons stated above, **NYSAR opposes A.4854/S.4547** in its current draft.

David Legaz
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