Dear Governor Hochul,

We write to you today in opposition to language inserted in the proposed FY2023 budget bill - S8006/A9006 – which requires the allowance of Accessory Dwelling Units (ADUs) in single family zones across New York State (PART AA) as well as requires upzoning of all residential land within ½ mile of commuter rail stations and commuter parking lots up to 60 miles from NYC to a minimum of 25 units per acre (PART EE). We are also opposed to bills S4547 / A4854 (Harckham/Epstein), both of which closely track with your introduced legislation pertaining to ADUs and the elimination of 1-family zoning.

**As per ADUs:**

1. If this bill is passed into law it will effectively eliminate 1-family zoning throughout New York State.
2. In addition, Home Rule by local government will be severely eroded due to the inability of municipalities to create and enforce their own laws pertaining to land use and zoning.
3. Even if ADUs were to be allowed in other zones rather than 1-family, the design parameters described in the bill – setbacks, ceiling heights, square footage and the like – are harmful to the development patterns of cities, towns and villages throughout the state and, if adopted, will do unfathomable damage to our communities.
4. This proposed legislation would also mandate a blanket “amnesty” program for the tens of thousands of illegal conversions in New York City - and pave the way for similar action throughout the rest of the state.
5. If adopted, it would reward decades of criminal behavior by unscrupulous property owners who charge market-rate rents with no protections for tenants often living in dangerous and – sometimes - deadly conditions, the most recent example being the 11 people who lost their lives trapped in illegal basement apartments in Queens County during Hurricane Ida.
6. In addition, it will punish the many property owners who have legally converted houses, spending tens of thousands of dollars to do it the right way – and paying increased property taxes as a result.

**As per transit-oriented development:**

1. Unlike what was written in the State of the State report, this legislation will not “foster” multifamily construction in zones drawn by municipalities; it will require the creation of multifamily zoning in every village, town, and city in New York State within 60 miles of New York City within ½ mile of a rail station or commuter parking lot and, once again, impinge on Home Rule. This “one size fits all” approach is unworkable, as every municipality has different needs and approaches to development.

Both of these actions will lead to increased burdens on infrastructure and services: overcrowding in schools, additional production of garbage, overburdened water/sewer, strains on public safety and more. These bills will also not create affordable housing of any kind, despite the continued insistence by your office and other advocates to the contrary. And, as these are unfunded mandates, municipalities will be forced to bear the cost of necessary upgrades and dramatically raise taxes on residents and property owners as a result.

Taking away local decision-making on land use issues and forcing communities to increase density – whether through a statewide elimination of one-family zoning or mandating density near every train station or commuter parking lot – will not only do direct harm to property owners and residents, but will destroy Home Rule, damage democracy, and violate the New York State Constitution.

**Therefore, we demand that PART AA and PART EE immediately be stripped from S8006/A9006 and removed from any further consideration.**

Sincerely,