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Act Now: Accessory Dwelling Units Can  
Aid in Intergenerational Housing Crisis

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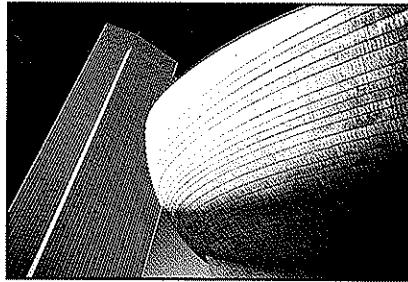
# Act Now: Accessory Dwelling Units Can Aid in Intergenerational Housing Crisis

*Patricia E. Salkin*

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**Act Now:**

**Accessory Dwelling Units Can Aid in Intergenerational Housing Crisis**

*By Patricia E. Salkin*

The so-called "sandwich generation" faces many challenges providing various supports for aging parents and for children who may be struggling to achieve economic independence.

One critical basic need of all three generations is housing. Moving away from our traditional notions of single-family housing, particularly in our Capital Region suburban and exurban towns, towards a recognition of, and welcome for, intergenerational housing options may be the most appropriate solution. Allowing the sandwich generation, who may be typical suburban homeowners, to add accessory dwelling units to their single family home for the purpose of providing support for family members makes sense.

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*"Allowing single-family homes to contain accessory dwelling units for aging family members makes sense from a health perspective and from an economic perspective."*

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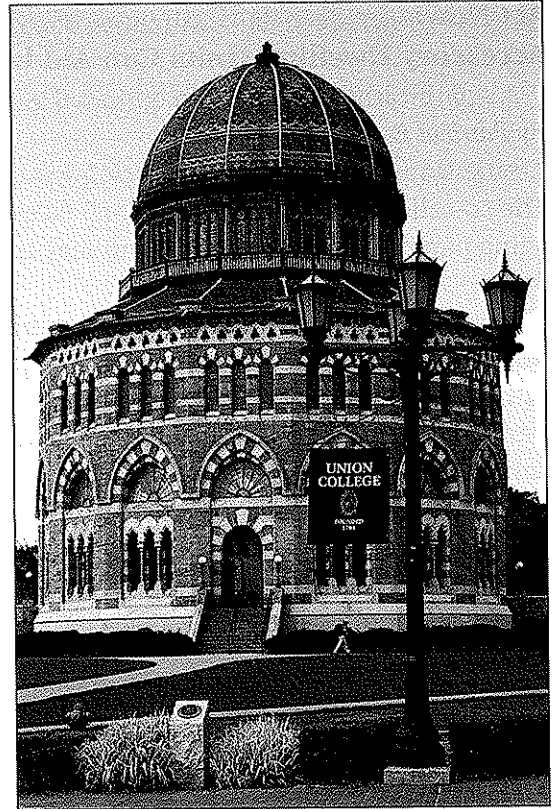
An "accessory use" is defined as a use that is incidental to, or related to the primary permitted use of the property. Accessory uses to residentially zoned lots might include a detached garage, a storage shed or a pool. Municipalities may list acceptable accessory uses in their zoning laws, or the zoning enforcement officer and/or zoning board of appeals might interpret whether a use is "accessory" to the principal use. Over the last decade, a number of municipalities across the State have begun to specifically authorize accessory dwelling units for seniors.

As parents age, children may realize that mom and/or dad may no longer be as independent as they once were, yet they still demand a level of independence as a matter of dignity. An aging parent may begin to exhibit health issues, memory loss, or decline of strength to do the things that they once could. Yet, these conditions do not necessitate moves to assisted living and nursing home environments, where the costs are great and the environment not necessarily welcoming to those who are not truly in need of such level of services.

Additionally, many seniors on fixed-incomes who own their homes struggle to find the funds to meet rising property tax bills and rising energy costs, as well as maintaining reserves for routine maintenance expenses. For seniors who rent, annual increases over time can lead to an affordability problem. Studies have repeatedly shown that New Yorkers prefer to age in place – meaning that individuals prefer to live in the community they are familiar with and with

people who they are familiar with. Allowing single-family homes to contain accessory dwelling units for aging family members makes sense from a health perspective and from an economic perspective.

Likewise, the younger generation is finding a housing crisis across the state. Affordable housing is now referred to as "workforce housing," and young people leaving school and starting on their careers and families are faced with the reality of lack of housing options. Reports are rampant about college graduates moving back home and married children moving back in with parents (or in-laws) in an effort to save money for a home because the income, debt-load and housing costs are not in balance. The sandwich generation wants to help their children, but parents need their space and privacy and their children need the opportunity to become more independent. Allowing accessory dwelling units to homes in districts zoned for single-family use, for the purpose of providing housing for adult children for a period of time, offers one temporary solution to the workforce housing crisis.



*Nott Memorial on the campus of Union College*

Concerns about changes in the character of a community if every single-family home were to contain an accessory dwelling unit are legitimate. However, to avoid single-family homes simply becoming multiple dwelling units, local governments have developed creative accessory dwelling unit programs. Often, these accessory uses require special use permit review. For example, "granny flats" or accessory dwelling units for seniors might contain requirements that the occupant be a member of the immediate family; that one or more occupants be of a certain age; and that the permit must be renewed every three to five years with continuing offer of proof that all criteria continue to be satisfied. In some cases, local governments require that where the accessory dwelling unit is no longer occupied by individuals who meet the stated criteria, the accessory dwelling is to be removed. With respect to adult children occupying an accessory dwelling unit, other considerations may be appropriate including income level measured against the housing market in the municipality.


An intergenerational approach to housing through accessory dwelling units for family

members may enable any one generation to "host" another generation, enabling all to enjoy the independence of homeownership. For example, a young couple unable to afford their single-family home, could provide an accessory dwelling unit for their grandparents. The grandchildren would earn some income towards the mortgage and property expenses and provide a support network for aging grandparents. Likewise, the grandparents could provide the accessory dwelling unit on their property for their grandchildren, providing them with the extra income needed to meet expenses while enabling the younger generation to achieve greater independence. These two generations partnering would relieve the stress on the sandwich generation.

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It is time to put teeth into our comprehensive plans that discuss housing options for all, and that often mention the need for senior housing and for affordable housing. Building designated senior housing and requiring developers to provide a few units here and there of affordable housing will not alone address all of the social and economic challenges of our suburban and exurban housing crisis. Local laws authorizing accessory dwelling units with appropriate conditions to maintain community character and accomplish community goals are an avenue that Capital Region communities must pursue. We do not need the federal government or the state governments to solve this crisis – local towns, cities and villages have many of the tools needed, such as accessory dwelling units, to act now. 

 *Albany Law School Associate Dean and Government Law Center Director Patricia Salkin is Editor of Anderson's AMERICAN LAW OF ZONING.*