



**westchester residential opportunities**

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Saving homes, saving families™



By email to [wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov); [financechair@nysenate.gov](mailto:financechair@nysenate.gov)

January 27, 2022

Re: Joint Legislative Budget Hearing on Housing:  
Accessory Dwelling Unit Act of 2022

Dear Honorable Legislators:

I write and testify broadly in support of the Governor's proposed "Accessory Dwelling Unit Act of 2022" at Part AA of the FY 2023 New York State Executive Budget to promote the creation of Accessory Dwelling Units (ADUs) throughout the state. It is the mission of Westchester Residential Opportunities (WRO) to promote the equal, affordable and accessible housing opportunities throughout the lower Hudson Valley region of New York. The ADU legislation, by overcoming local barriers to this type of housing and increasing the supply of relatively affordable housing, is fully in keeping with our mission.

**However**, there is a defect in the legislative language that permits explicitly discriminatory barriers to housing in the creation of ADUs under this law, which stands contrary to WRO's mission as a fair housing organization. That defect must be remedied. As written, an owner of an ADU created under this legislation will be permitted to rent, refuse to rent, evict, or modify terms and conditions in the renting of that ADU on the basis of overt discriminatory bias against any New York State protected class, including:

- Race
- Religion
- National origin
- Gender Identity
- Disability
- Source of Income

- Sexual Orientation
- Familial Status (children under 18 in the household)

The legislative text must be amended to provide that ADUs created under the law will not be subject to the “Mrs. Murphy” exemption found in Section 296(5)(a)(4)(i) of the Executive Law (Human Rights Law). The “Mrs. Murphy” exception allows the owner of a housing accommodation in an owner-occupied two-family home to discriminate in otherwise illegal manner in the renting of that housing accommodation. ADUs should be explicitly excluded from this permission to discriminate.

Sincerely,



Marlene Zarfes  
Executive Director