

## Misty Maza

---

**From:** Ben Trachten <Ben@trachtenlaw.com>  
**Sent:** Friday, March 29, 2024 1:10 AM  
**To:** Misty Maza  
**Cc:** Nathaniel Hougrand; Laura E. Brown  
**Subject:** Testimony for legislative committee Accessory Dwelling Aubut ordinance amendment

### Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Below is testimony for the upcoming April 2 legislative committee hearing regarding the phase 2 of accessory dwelling unit ordinance. Please confirm receipt.

New Haven Board of Alders  
Attn: Legislation committee  
Hon. Alder Cupo, Chair

To whom it may concern.

I'm writing in support of phase 2 of the accessory dwelling unit ordinance. I am an attorney admitted to practice in the state of Connecticut and a substantial portion of my practice involves New Haven planning and zoning. The other portion of my practice involves residential and commercial real estate closings. I am familiar with the currently enacted version of the accessory dwelling unit ordinance and the modifications proposed for phase 2. I am also familiar with all of the challenges facing owner occupants and non owner occupants in developing ADUs or regular dwelling units in garages, basements, and within existing structures.

Since the passage of phase one of the accessory dwelling unit ordinance there has not been a single accessory dwelling unit created under the program to the best of my knowledge. Hopefully, phase 2 will kick off at least some interest and development of these vitally important forms of housing . Through speaking with numerous landlords, tenants, and other participants, it is clear that we need smaller and more affordable housing options.

While I do not believe that an accessory dwelling unit ordinance will address the affordability component as noted in some of the submission materials, I do believe that offering more housing choice is vitally Important to a healthy local housing market. it is estimated that nearly 40% of dwelling units are occupied by a single individual and smaller garage apartments and basement apartments are the perfect solution to housing this segment of the market.

As I read the information circulated by the city plan department, I do know that they believe that these units will be more affordable to very low income individuals. My experience has taught me that that will not be the case. Nonetheless, adding market rate units will invariably ease some of the price pressures that currently exist, and hopefully have some lowering impact on rents for existing apartments. Unfortunately, the cost of constructing an accessory dwelling unit is and will be so high that it precludes even a well intentions, owner occupied property owner from charging a below market rent. Some of my clients' most desirable units are basement units that, a few years ago, would not have been considered desirable at all, nor would they have been approved by the board of zoning appeals for the relief that is required to construct them.

One client in particular has really raised the bar on what a small basement apartment can be by excavating basements to achieve 8 foot ceiling height and finishing these basement units with beautiful fixtures and materials. I have submitted pictures of these basement units with numerous board of zoning appeals applications, and I believe the stigma of a basement unit or garage unit has largely subsided in the minds of our boards and commissions charged with varying and interpreting the zoning ordinance. I have visited these units and can personally attest that they are highly desirable because they afford more privacy and less noise than upper story apartments, among other reasons.

As an attorney who frequently appears before the board of zoning appeals to convert existing garages and accessory structures into residential dwelling units it is very clear that the process is complicated, burdensome, and often dissuades well intentioned homeowners from converting their garage or basement into a source of income and housing. While no ordinance will remove many of the financial barriers to accessory dwelling units, an amendment may increase the likelihood that ADUs will be built. I support these changes notwithstanding the loss of income I will experience through these situations no longer requiring an attorney to navigate the application through our municipal boards and commissions .

I do not consider the proposal before you to be perfect. I do consider it to be a step in the right direction. Incremental advances such as the proposal before you provide an opportunity to test new and innovative ways to create housing with very little downside. I do not anticipate hundreds of large landlords running out to add basement or garage units. Through the existing Zoning process known as conversion, me and my clients are already creating dozens of accessory dwelling units for non-owner occupied owners. Many of these are handicapped accessible ground level units. I have not heard any complaints from neighbors, and these units are highly desirable, and they are constructed in compliance with all applicable building, fire and safety codes.

For as long as I can remember, there have been hundreds of illegal garage, basement, and third floor apartments in multi families throughout the city. I deal with them in numerous residential closings every month. These illegal dwelling units are not being inspected by livable cities initiative, and float under the radar for decades without consequences. City resources to track down these units are limited. An ordinance amendment like what's proposed will allow many of these illegal units to be brought into compliance, inspected by the Building Department, and made safe and habitable for their occupants.

Please be aware that the real changes that must happen to make ADUs in garages possible are changes to the State building code. The cost associated with properly supporting existing structures with footings, trenching separate sewer, gas and electric lines, and general building code compliance cannot be avoided (for good reason). This is a much bigger challenge than the zoning ordinance. And the new classification under the building code for "tiny homes" is not a solution to the above issues. More input from the Building Department (OBIE) could result in you producing an ordinance that will lead to more units being created.

I may not be able to attend your April 2 public hearing, but I would ask that my testimony contained herein be made a part of the record in support of the item before you.

Benjamin Trachten  
Trachten Law Firm, LLC  
679 State Street  
New Haven, CT 06511  
203-865-0101  
203-865-9086 (fax)

Benjamin Trachten  
Trachten Law Firm, LLC  
679 State Street  
New Haven, CT 06511  
203-865-0101  
203-865-9086 (fax)