

Yes In My Backyard:

Envisioning more inclusive neighborhoods through accessory dwelling units (ADUs)



by Jan Stokley

Accessory Dwelling Units (ADUs), sometimes known as “secondary units”, “in-law units,” or “granny flats,” represent a promising new housing strategy for people with developmental disabilities, as a result of recent California legislation requiring local jurisdictions to take steps to facilitate the development of ADUs in single-family neighborhoods.

ADUs are a desirable housing strategy for some people with developmental disabilities because:

- ADUs promote infill development in single-family neighborhoods—they can happen more quickly and are less likely to incite community opposition than large, multi-family developments.
- ADUs enable adults with developmental disabilities to make a transition to living on their own, while remaining close to family support and in the neighborhoods where they have existing social networks.
- ADUs can be individually designed to address specific security and accessibility needs of each individual with developmental disabilities, which can sometimes be more difficult to address in typical multi-family rental housing.
- ADUs enable parents to leverage assets they already own (the family home) to create an appropriate living environment over which the family can maintain long-term ownership and control.
- The value of family investments used to create the ADU can be preserved with the family home in the family estate.

- ADUs offer flexibility as to who lives in the main unit or the ADU, which helps when the family support system or the individual's support needs change over time.

At a December conference of the Autism Society of the San Francisco Bay Area, Housing Choices convened a panel on ADUs, which included parent Bill Palmer who has an adult son with autism. Bill described his experience in creating an ADU in Half Moon Bay (shown in the photos above), including the process of arriving at a satisfactory design, securing city approval, and negotiating with a contractor.

The ADU was the perfect solution for the Palmer family, who had been unable to make any other options work for creating a permanent affordable housing solution for his son in high-cost, low-density Half Moon Bay. Bill and his wife have moved into the one-bedroom ADU, while his son and the supported living staff now live in the main house.

Housing advocates are looking closely at the need to resolve two legal issues that could limit the ability of families like the Palmers who want to use ADUs to create a stable, appropriate and affordable housing solution for their adult children with developmental disabilities.

First, Regional Centers need definitive guidance as to whether a legally permitted ADU constitutes a separate dwelling unit for purposes of the consumer's eligibility for Supported Living Services. Section 58601(a)(3) of Supported Living regulations state that "Home" means, with respect to the home of a consumer receiving SLS, a house or apartment, or comparable dwelling space meeting community housing standards, which is neither a community care facility, health facility, nor a family home certified by a Family Home Agency, and in which no parent or conservator of the consumer resides, and which a consumer chooses, owns or rents, controls, and occupies as a principal place of residence." Because ADUs are legally separate dwelling units, they would seem to meet this definition, but a statewide decision on this question would prevent inconsistent interpretations by the state's 21 Regional Centers.

Second, as local jurisdictions revise their ADU ordinances to comply with state law, many of them are imposing "owner-occupancy" requirements on ADUs. An owner-occupancy requirement creates legal uncertainty for parents who plan to leave the real estate to a Special

Needs Trust so that the adult child with developmental disabilities can continue to live in one of the two dwelling units after the parents have passed away or moved away. Statewide legislation is needed to clarify that a trust can satisfy any locally-imposed owner-occupancy requirement as long as a beneficiary of the trust lives in either the main home or the ADU.

To learn more about Housing Choices' efforts to promote ADUs as a housing option for people with developmental disabilities, email Executive Director Jan Stokley, jan@housingchoices.org.