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Update zoning & building

Legalize cellar conversions

Current building code does not allow for the conversion of cellars into habitable units, even when they may be mere inches shy of being officially considered a basement (basements are legally defined as more than 50% above grade). The ENY Pilot was designed to solve this by adding other safety requirements for cellars such as a second egress door. A secondary problem is that cellars are not included in a building's Floor Area Ratio (FAR), and when converted, can potentially put a building out of compliance with zoning, even when not adding to the actual bulk of the building.

BASE calls for updating building codes and amending zoning to allow habitable cellars to be safely legalized, as they have for the ENY Basement Pilot. Ensure the conversion of cellars will not put a building out of compliance with its zoned Floor Area Ratio (FAR) by exempting the cellar unit from the FAR calculation.

Address parking restrictions

Zoning rules mandate that parking is provided for a specific percent of the units in a building. The mandatory amount of parking spaces is dependent on the zoning designation of the property. This will automatically disqualify many homeowners from participating, especially those that are attached on both sides. In the ENY Pilot, 25% of interested participants were disqualified solely on parking.

The City should waive parking requirements for the addition of new basement units. As the City grapples with solving both the affordable housing and homelessness crisis, along with trying to fight climate change, the plan to retain such strict parking requirements seems shortsighted and at odds with many of the City's stated policy goals.

Create regulatory agreements to protect tenants

Basement tenants are some of the most vulnerable residents of New York City. Most tenants of illegal basements are low-income families, gig workers, seniors, or undocumented residents. The most consistent concern these tenants raise about a basement conversion program is that legalization will bring higher rents and ultimately displace them.

Tenants should not have to choose between unaffordable rents and poor living conditions. BASE calls on the city to create a regulatory policy to keep rents affordable and make sure basement apartments remain accessible for low-income New Yorkers. Homeowners that benefit from subsidized financing, zoning adjustments, and building code accommodations should be expected to pass on the benefits of the conversion program to their tenants in the form of affordable, sustainable rents.