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# ADUs and the *Just City*: How additional dwelling units can shape urban environments toward equitable outcomes in Canadian cities

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Using the model of a *Just City* the goal of this paper is to contribute to the discussion of additional dwelling units (ADUs) by connecting disparate literature on ADUs in North America to the body of spatial justice and posit a way forward that recognizes the drawbacks of a system of individual property ownership, while hypothesizing that more equitable outcomes could be achieved through the inclusion of ADUs within the private market system through government regulation. This paper argues that through the lens of equity, democracy, and diversity, ADUs have the potential to lead to more just outcomes within a privatized market housing system, where homeownership is both the dominant tenure and ideology. Accounting for the inequities of informal ADUs and the contradictions within a capitalist, financialised housing system, new pathways are conceived to both encourage and regulate the ADUs to ensure security of tenure and protection against market pressures.

## KEYWORDS

housing, informality, additional dwelling units, equity, Canada

## Introduction

North American housing policy is defined by the promotion of private homeownership, resulting in a housing system with this as the dominant mode in many municipalities (Bacher, 1993; Madden and Marcuse, 2016). Within this structural reality of a hegemonic market-driven framework, both legal, permitted and unauthorized, non-conforming additional dwelling units (ADUs) have proliferated in most Canadian urban municipalities. As self-contained units, ADUs are rental units by default, due to their connection to the existing single-family dwelling, that generally cannot be sold separately from the main dwelling. The term “ADU” is not universally used and accepted in academic research, legislation, and everyday life. Over 60 terms exist, with the most popular anecdotally being: ADU (additional or accessory unit), secondary suites, or unit, are common in the North American context, whereas, granny annexe, or bed sheds are more common in UK (Peterson, 2018). These units tend to be increasingly common in the North American context, as the dominant mode of housing of is lower density residential (Mukhija, 2014, 2022). They are defined as self-contained

units located on the property of a single-family dwelling that can be either attached, meaning basement, loft, subdivided home, or detached, as a converted garage or newly built backyard cottage (Infranca, 2014; Peterson, 2018). When describing these units' relationship to the formalized housing system, I choose to use the term unauthorized and nonconforming interchangeably, whereas legal and/or permitted to indicate that they are built in accordance with and approved by local zoning bylaws. Unless otherwise stated, I assume that ADUs have privatized market rent as the tenure. As several jurisdictions on the West Coast of North America (municipalities within British Columbia, California, etc.) have legalized the creation of ADUs, it is argued that they perform a necessary function of providing lower-cost rental accommodations, despite their illegal, non-conforming nature, as many have been created outside of the formal development process (Harris, 2017; Harris and Kinsella, 2017; Suttor, 2017; Gurran et al., 2020), with even permitted ADUs offering below market-rate rent, due to a predisposition of homeowners prioritizing a familial or social need, rather than a strictly economic motivations (Palmeri, 2014; Wegmann and Chapple, 2014; Salvador, 2017, 2020). Beyond individual case studies and attempts to capture the ubiquity of these units (Durst and Wegmann, 2017; Harris and Kinsella, 2017; Suttor, 2017; Wegmann and Mawhorter, 2017), the application of any conceptual framework apart from urban informality in the Global North to this type of housing in Canada has not occurred (Harris, 2017). At the intersection of the theme of this special issue, density, governance, and sustainability, it is important to note that ADUs provide a pathway for cities to add "gentle" density within existing neighborhoods, while not significantly overhauling their existing governance structures (i.e., zoning bylaw regimes), in addition to not adding significant infrastructure costs, if any, while creating more units without outward growth (Parolek, 2020). In other words, the ADU policy and development agenda proverbially meets cities and neighborhoods where they are at with the potential to add significant new housing density. Therefore, it is necessary to situate their place in the socio-spatial justice literature, in order to reveal insights into both the property rights and land use systems within the current Canadian regulatory framework.

Through the lens of the *Just City* framework (Fainstein, 2010) and its central tenets of equity, democracy, and diversity, I explore how these units are shaping municipalities in order to understand whether the allowance and regulation of ADUs produce more equitable housing outcomes in Canadian cities. Firstly, increasing ADUs in existing low density residential neighborhoods would seemingly contribute to more distributional equity, as these units alter the composition of exclusionary neighborhoods (Van der Poorten and Miller, 2017) and are estimated to be rented from 25-50% less than market rate (Palmeri, 2014; Harris and Kinsella, 2017; Salvador, 2017). Additionally, permitting these units substantiates their existence as a necessary part within the wider housing market, and

provides sufficient regulatory oversight that makes them safe and habitable. If developed by the average homeowner, less profit would be going to large developers who often operate in the private equity sector, and new income streams would be generated for existing homeowners, in turn supporting a more decentralized, and arguably slightly more equitable form of private market housing development (Harris and Kinsella, 2017). The problem with that arrangement is that homeowners already tend to be privileged segment of society and new housing units are not outside the grasp of financialised housing within a liberal democratic framework (Tapp, 2021). Secondly, in parallel with the first point, I suggest that ADUs could contribute to higher levels of democratic choice within the housing sector, but not without a clear focus on new forms of tenure at a micro scale. Lastly, in terms of diversity, I posit that ADUs open up more housing options for diverse households by increasing rental tenure in existing neighborhoods with homogeneous built form (i.e., single detached homes), in turn altering the demographics due to the different profiles between renters and homeowners. Hence, my argument is that ADUs are an incrementally more equitable housing pathway, as government intervention is needed to explore more expansive forms of tenure and financing options within the existing capitalist, liberal democratic system of property rights. As it stands, this analysis of how ADUs fit within a neoliberal framework of economic governance produces mixed results in terms of equity, democracy, and diversity.

## The *Just City* and the North American Housing Sector

This section will provide a brief overview of the *Just City* framework, alongside a discussion of rights, as they apply to the question of housing. It is not an exhaustive account of the concept of justice, but rather provides a theoretical grounding from which to frame the discussion.

The *Just City* framework, as put forward by Fainstein (2010), attempts to bridge various theoretical divides through its focus on justice in urban environment, both in process and outcomes within a Western, neoliberal societal context. The model of a *just city* is one in which "public investment and regulation would produce equitable outcomes rather than support those already well off" (Fainstein, 2010, p. 3). Equity, democracy, and diversity become the core values, as well as measuring stick for policy outcomes, directly challenging the "neoliberal formulations that aim at reducing government intervention and enabling market processes" (p.8). Put another way, when demands of efficiency and justice are at odds, justice should prevail (p. 12). Fainstein borrows from the Rawlsian conception of justice, elevating the position of individualism and utilitarianism. This framework supports a society that is constructed with property rights as a

core belief, while simultaneously desiring to regulate against the commodification of housing. She writes:

“Under the property-owning democracy formulation, home ownership becomes a desirable goal and the ‘taking’ of private homes for economic development purposes is wrong. Widespread home ownership makes available greater use values in housing for people, but it has the drawback of introducing a speculative financial element into the enjoyment of shelter as well as being inappropriate for households that do not have the resources to cope with system breakdowns or even routine maintenance.” (Fainstein, 2009; p. 31).

Without necessarily challenging the core foundational tenets of neoliberal capitalism, that this system will not naturally produce affordable housing by design, her argument is seemingly one of pragmatism. A plethora of housing options are likely to be acceptable both within a privatized market system and publicly funded one, as long as they adhere to the principles of equity, democracy, and diversity.

Within this system, homeownership, as an ideological and policy mechanism, is embedded in most Western democracies. This privileges certain ideas, like security of tenure and wealth-building, which are seen to be available only through conventional homeownership, while ignoring that those “bundle of rights” can be achieved through other forms of tenure (Marcuse, 2012). Property rights, as a driver of prosperity and equality, are enshrined in international treaties (1948 UN Declaration) and organizations (IMF, World Bank, WTO), even though the social processes such as profit-making and residential alienation that are embedded in a capitalist system, can potentially be at odds with other rights (Harvey and Potter, 2009). While scholars have challenged the paradox of private property rights and the ideology of homeownership, by arguing that it undermines the goals of justice and equity at their foundation (Harvey and Potter, 2009) and that the commodification of housing is antithetical toward human rights, as accepting the liberal democratic framework of property rights means seeking provision within the very framework that also oppresses (Hoover, 2015), the substantive need is to deconstruct the myth of homeownership (and subsequently reconstruct those bundles of rights) in order to see any sort of improvements in this area (Marcuse, 2012). Furthermore, financialization, meaning the “expansion and dominance of financial markets and corporations in the field of housing,” poses a serious threat to the UNDR on housing as a human right, as private financial actors operate outside of the frameworks of international law, with different, profit-generating agendas, undermining the core tenets of adequate, affordable housing (Leijten and de Bel, 2020; p. 94).

The argument that we, as a collective society, need to challenge the underpinnings and assumptions regarding rights and, by extension, the right to housing, is a valid critique to

Fainstein’s conception of justice, as she acknowledges that the outcomes of urban policy making could potentially only mitigate the severity of unjust outcomes (Fainstein, 2010, p. 6). There is a need to protect the right to access safe and affordable housing from the harms of capitalist accumulation through deregulatory policies, while also reconceptualising our collective right to homeownership (Garcia-Lamarca and Kaika, 2016; Feliciano, 2017). By seeing this system of homeownership as absolute, rather than a socially and legally complex type of tenure that could be recreated, in many ways, North American society has accepted these harms, rather than reorganize the housing system with the goal of providing ontological security for all residents (Hulchanski, 1988; Madden and Marcuse, 2016). Rather than pursue binary paths, it is important to make all forms of housing tenure as secure as possible, instead of advocating for one particular form of housing tenure as being the best (Wegmann et al., 2017). Recognizing that home ownership will never provide the demand for the type of affordable housing that (North) American society needs, the *Just City* framework propels researchers and policymakers to seek equity, democracy, and diversity in both the process and outcomes of housing development (Fainstein, 2010). Therefore, it is incumbent upon governments and academics alike to work toward alternative housing options to provide the conditions and protections for security of tenure and against financialisation, while ensuring affordability.

With that said, ADUs, if adopted through appropriate legislation, can be one of those pathways toward more equitable, democratic, and diverse outcomes. Because the ideology of home ownership in a private market system is the dominant housing mode in Canada, it is hard to envision a way forward except to alter the existing system to make it more affordable and subsequently, more just. In the vein of Fainstein’s utilitarian pragmatism, I find it considerably more persuasive to work within a (broken) system to mitigate its effects and incrementally move it in a more equitable direction. In the next sections, I will expand on the relationship of ADUs within the current North American housing system, how they align with conceptions of homeownership, culminating in a discussion of equity, democracy and diversity as it applies to ADU regulation and proliferation in Canada.

## Canadian housing policy and ADUs

Federal housing policy in Canada has been defined by the ideological and structural promotion of private homeownership through the adoption of programs that were designed to attract private financial institutions that engage in mortgage underwriting for homebuyers (Bacher, 1993). As a result, Canada has a homeownership rate of 68% and a stunted rental market due to lack of purpose-built rental construction (Bacher, 1993; Chrisholm and Hulchanski, 2019). This policy strategy both necessitated and facilitated the development of a

strong middle class; however, the stretching and disappearance of this demographic, coupled with the dramatic increase in housing prices in the last several decades, has meant the population that would be able to afford homes in various Canadian neighborhoods has dwindled (see Grant et al., 2020), creating an “urban socio-spatial polarization in Canada” at the local level (Bourne and Hulchanski, 2020; p. 6). This has resulted in a dramatic divide between differently-tenured groups (homeowners v. renters), as many formerly middle-income households have benefitted significantly from increased home prices that they are now disproportionately affecting the entire housing market, as well as the socio-spatial makeup of many Canadian municipalities (Chrisholm and Hulchanski, 2019, p. 26; Grant et al., 2020). Buying a home is no longer an affordable or even tenable option for those attempting to enter the housing market in many metropolitan areas, and, thus, an increased number of households are subjected to a precarious and constricted rental market. There are increasingly no substantive alternatives to market-rate, commodified housing, as the correspondingly bleak rental market in Canada has less rent control, less funding for rent subsidies to cover increasingly high housing costs, alongside less public housing spaces (Madden and Marcuse, 2016; Chrisholm and Hulchanski, 2019).

This financial reality dovetails with two thirds of the Canadian population living in suburban neighborhoods, meaning those that are largely dominated by cars and single-family homes (Gordon and Janzen, 2013). This trend began in the post war period, where development occurred in an outwards growth pattern, resulting in demographic shifts toward a suburban lifestyle, with many neighborhoods being composed of a homogenous housing type, meaning single-family detached homes, as many Canadian municipalities have zoning bylaws that support low-density, residential neighborhoods at the expense of other built forms (Bozikovic et al., 2019). For example, the exclusionary zoning regulations that have produced predominantly low-density single-family detached homes in suburban environments typically prohibit higher forms of density, such as small multi-family apartment buildings (4–8 units), or even town or row houses. In a Canadian context, these forms of density are termed “Missing Middle” as they are types of housing supply that are often difficult to build due to the complex regulatory approvals process (Bozikovic et al., 2019; Parolek, 2020). Zoning bylaws continue to uphold suburban, low-density housing patterns that favor cars as the primary mode of transportation and single family detached homes as the dominant mode, which in turn patterns Canadian cities with a specific set of social practices and relations “that continues to shape housing politics today” (Van der Poorten and Miller, 2017, p. 567). However, it is clear that these patterns are no longer as relevant to the needs of Canadians, nor are they affordable (Walks and Maaranen, 2008; Suttor, 2017; Grant et al., 2020). It is important to distinguish that while zoning bylaws restrict land uses, not users, through built form,

including unit size, number of rooms, lot size, frontage, etc., they can be seen as inherently discriminatory by effectively keeping people out of certain neighborhoods (Van der Poorten and Miller, 2017, p. 568–569). The disconnect between the dominant form of single-detached homes in many urban and suburban neighborhoods and the demographic shifts has been touted as one of the reasons housing is no longer “affordable” or accessible for many households. Put another way, the demand for housing is mismatched with the existing, inflexible, and exclusive housing supply.

It has become more common to argue that a lack of supply is the issue, and, moving the needle on zoning deregulation within these neighborhoods, meaning altering bylaws to allow for more units on residentially zoned land should correct the high market prices by flooding the market with new supply (Bozikovic et al., 2019). As Tapp (2021) demonstrates in the case of YIMBYs in California (“Yes-In-My-BackYard” advocates), adopting and adapting neoclassical economic arguments that push an “increase housing supply” solution in order to solve the high housing prices (p. 1514–1515), exclusionary zoning land use regulations become the object of their advocacy, and, thus, do nothing, but effectively create new housing supply for global financial capital to extract value from. An unfettered growth in supply fundamentally ignores the issue of tenure, as increasing units within a privatized ownership model will continue to exclude low-income households that the market does not provide for (Madden and Marcuse, 2016). It also provides more opportunity to investor-property owners to create new units to exploit new rent gaps, such as short-term rentals (Wachsmuth and Weisler, 2018). In other words, a market-based solution to increase housing supply via new units (Missing Middle or otherwise) will never solve the housing affordability problem, as there is simply no incentive for anyone (financial investors, landlords, and homeowners alike) to not charge market-rate rent and secure maximum capital accumulation. ADUs are no exception to this phenomenon.

In sum, the static and commodified nature of Canada’s housing policy has led to severe gaps, with many individuals and households being unable to afford entry into the housing market. ADUs are often positioned as one form of alternative housing that has been of particular interest to Canadian municipalities in recent decades. It is argued that ADUs can be added on many residential lots without substantially altering the built environment, as they operate within the existing legislation to add additional units (Cipkar et al.).<sup>1</sup> Furthermore, adding new units is not the panacea to affordability, but it is still needed in order to meet the social needs of Canadians. Consequently, within this climate, provinces and municipalities must determine ways to address this crisis by stronger mandates

1 Cipkar, S., Maoh, H., Dimatulac, T., Fathers, F., Arcis, S., Smit, A., et al. (2023). ADUs and the low-density, suburban neighbourhood: potential and possibilities. Working paper, submitted for review. *Can. Geogr.*

for housing through their own local zoning regulations, such as ADU bylaws (Mendez, 2017).

To capture the ubiquity of ADUs in Canadian cities, Harris and Kinsella (2017) provide the most comprehensive overviews of the role, character, and impact of secondary suites in Canadian cities. From this analysis, it is clear that these units have historically proliferated in urban environments as a mode of housing that has been largely unregulated (Mendez and Quastel, 2015; Harris, 2017; Harris and Kinsella, 2017; Suttor, 2017; Van der Poorten and Miller, 2017). As both attached and detached secondary suites have been legalized in the Western provinces (British Columbia Codes, 2018; Alberta, 2022), they have taken on different forms depending on the housing stock and have played a necessary role in providing economic security for both homeowners and tenants (Mendez and Quastel, 2015; Goodbrand et al., 2017; Mendez, 2017, 2018, 2019; Suttor, 2017; Goodbrand and Hiller, 2018). In Ontario, ADUs were more recently provincially mandated, tasking municipalities with the undertaking of the creation of zoning bylaws to allow for multiple attached and detached ADUs on the same property (Bill 108, 2019). Prior to 2019, many municipalities did not formally allow ADUs (they would have fallen under the building type of “duplex”), and therefore, it was only possible to estimate the number of existing, unauthorized ADUs, despite their presence being known and assumed (Harris and Kinsella, 2017; Suttor, 2017; Passarelli et al., 2021). As such, reframing and creating policies that adopt unauthorized secondary suites and permit ADU internal conversions and new detached builds in exclusive neighborhoods creates pathways for greater equity, democracy, and diversity in Canadian municipalities.

A common theme in the aforementioned growing body of literature in Canada is the various authors noting the way these units are discursively constructed (and largely stigmatized), contributing to the lack of societal acceptance and policy regulation (Porter, 2011; Harris, 2017; Van der Poorten and Miller, 2017). Ideals about the supremacy of single-family housing as being the hegemonic narrative of acceptable housing shape the acceptance of “alternative” forms and affect the hidden nature of these units within urban environments (Goodbrand et al., 2017; Harris, 2017; Harris and Kinsella, 2017; Van der Poorten and Miller, 2017; Goodbrand and Hiller, 2018). The discursive construction of ADUs delegitimizes these units in a property rights framework by rendering them “illegal” and therefore discounting their significance and value. In turn, this creates a lack of urgency to authorize, make safe or create policy to allow for new units like governments do with other forms of housing. For example, as Goodbrand and Hiller (2018) point out in their choice to use “unauthorized” as opposed to “illegal” in their description of renters’ experience of basement suites, there is a high degree of stigmatization that occurs with these specific types, but also within the context of life circumstances that led to the renter needing to rent a basement suite in the first place (Suttor, 2017). Additionally, competing narratives surrounding

“tiny homes” (meaning ADUs) in Quebec highlight the lack of progress in that province due to these divisions (Lessard, 2019). Ironically, that even though differing visions can seemingly be in opposition, any attention to the concept of ADUs contributes to the advancement of this form of alternative housing in an urban setting (Lessard, 2019).

As it applies to the housing sector and market more broadly, the discussion and presence of unauthorized ADUs simultaneously bolsters Western societal expectations of upholding the primacy of property rights in urban environments through the subversion of regulatory frameworks, while also challenging the hegemonic normativity of single-family dwellings. Despite the way overarching legislation compels many municipalities to create laws regulating secondary suites, many have not, which characterizes them as a form of accepted informality within a “modern,” North American system (Harris, 2017). Within this context, it is important to see the phenomenon of unauthorized ADUs as a product of the current system and the exploration of it as a form of informal housing in relation to the formal system of regulation is necessary to determine if it produces just outcomes in its current form (Roy, 2005; Porter, 2011; Harris, 2017). This phenomenon becomes relevant when considering regulatory implications within a *Just City* framework because how we talk about these units relates to how accepted they are in society, and subsequently treated as a viable housing option and policy priority. The next section considers the way these existing perspectives and framework of equity, democracy, and diversity, in order to determine pathways toward higher levels of justice in urban environments.

## Discussion

### Equity

A central tenet of the *Just City* is distributional equity, which “represents a particular concept of fairness in which policy aims at bettering the situation of those who without state intervention would suffer from relative deprivation” (Fainstein, 2010, p. 37). With respect to ADUs, the question becomes: does legalizing both established, unauthorized units, as well as potential units, increase the amount of smaller housing options within established neighborhoods, producing more equitable outcomes for homeowners and renters alike? While, admittedly, there is nuance and degrees of equity achieved, I argue that yes, in fact they do.

The issue of informal, unauthorized secondary suites in the quest to provide affordable, while also safe, housing is one of equity. Capitalism’s inherent flaws mean that developers and landlords will always be motivated to seek the highest profit accumulation at the expense of affordability and potentially safety. Illegal secondary suites operate below the radar, as a counterweight, offering affordable and flexible housing without

state consent (Madden and Marcuse, 2016; Harris, 2017; Gurran et al., 2020). Harris' (2017) position is that informality is present in all modern, highly-regulated formal planning systems, and it would seem logical to take this argument one step further and argue that informality is present in all highly-regulated *capitalist* systems, as it is a natural condition of the market for financialised forms of housing to maximize profit and therefore produce substandard forms of housing such as illegal ADUs. Brown et al. (2020) categorize these units as "naturally occurring affordable housing (NOAH)" as they are units that are not supported by public subsidies to be below market rate yet are (p. 63). Despite their lack of regulatory oversight, they are needed by "users who are largely excluded from formal housing and labor markets" (Van der Poorten and Miller, 2017, p. 565). Furthermore, in tight markets, such as Sydney, Australia, a large majority of informal units were substandard and still not affordable, as the rise in poor quality housing connected with the deregulation of local controls and the privatization of building control functions (Gurran et al., 2020). They conclude that "[t]he furtive nature of informal or non-conventional accommodation provides a perverse security for those unable to access other forms of housing." (Gurran et al., 2020, p.19). That tenants should have no other options but to accept substandard housing is not the hallmark of an equitable housing system; rather it illustrates the shortcomings of a profit-driven housing system.

Marcuse (2012) argues that regulation for the benefit of marginalized residents is the way forward (p. 220). The concern with this approach lies in the fact that many units will be taken off the market unnecessarily, as many regulatory regimes (particularly zoning bylaws) tend to restrict ADUs in existing neighborhoods. It would seem logical for states to invest in regulatory regimes that do not remove units from the market but provide lenient programs and incentives that address matters of health and safety, while grandfathering units that breach zoning (Wegmann and Chapple, 2014; Anacker and Niedt, 2019; Elmendorf, 2019; Gabbe, 2019; Brown et al., 2020). Although there have been recommendations for action to "legitimize" informal housing in Californian cities (Wegmann and Mawhorter, 2017), coupled with the potential for garage conversions (Brown et al., 2020) and state-encouraged expansion of ADU permitting (Gottlieb, 2017), it would be difficult to categorize all the policy mechanisms that limit legal ADU development, as there are many units that are developed without permits, as zoning bylaws vary significantly from municipality to municipality, as well as from province to province. However, a properly regulated privatized housing system can produce more equitable outcomes if those regulatory regimes are accompanied by appropriate state-funded housing programs, such as rental subsidies, rental control, and strong legal protections for security of tenure. While regulatory frameworks, such as licensing regimes, assist with better health and safety outcomes, they do not fundamentally address the drivers of informal and/or illegal housing production, which

are naturally produced in a highly financialised system (Harris, 2017).

Secondly, there are benefits to adding a legal, permitted unit to both homeowners and renters, while also increasing the supply in existing neighborhoods. Adding a unit to an existing residential property has the potential to make the mortgage more manageable if the costs of construction (through financing) are less than what that property owner could charge in rent. In essence, this produces a "mortgage helper" wherein the costs of owning a home are subsidized by this additional unit, therefore assisting in the repayment of the mortgage and ongoing maintenance (Mendez, 2018; Alam et al., 2021). There is research to suggest that property owners are more likely to charge below market rent when it is a known family member renting the unit (Patterson and Harris, 2017; Salvador, 2017, 2020), with estimates from approximately 20-25% of the units being rented below market rate (Palmeri, 2014; Salvador, 2017) to up to 50% cheaper than the primary units depending on its legal status (Harris and Kinsella, 2017). On the supply side, even if the units exist in an ambiguous regulatory state, having units that provide housing to lower income tenants during transitional life stages, is an important factor in terms of sufficient rental options (Patterson and Harris, 2017; Goodbrand and Hiller, 2018). Despite unauthorized ADUs being touted as a naturally occurring form of affordable housing, it is important to note that without state intervention, via owner-occupier requirements, or incentives to rent below market rate, it is undetermined, but possible, that permitted, legal ADUs will necessarily produce lower rent costs.

One final benefit that falls under the equity umbrella is that of smart growth in a time of climate change, sustainability challenges and environmental mandates. While this remains largely unexplored, two studies reveal that this is a policy objective for ADUs in response to an increasing concern. Lessard (2019) points to various ADU promoters with seemingly differing yet, overlapping objectives: urbanists desiring ADUs in order to increase density, environmental enthusiasts desiring to live in a more minimalist manner and, lastly, elected officials desire to prevent sprawl and avoid infrastructure deficits. Similarly, Wegmann and Chapple (2014) cite higher density as a result of adding ADUs in established neighborhoods that provide public transportation have become key to reducing greenhouse gas emissions. Cities often need significantly more infill development and larger developers will likely not be able to keep pace to due high costs and time-consuming land use approvals processes; ADUs accomplish these goals by adding "gentle density" in existing neighborhoods with established infrastructure, without needing an onerous regulatory process due to the smaller size and simplicity of construction process (Bozikovic et al., 2019; Cross, 2020).

From a state-sponsored form of affordable housing provision, there are very few examples of this materializing successfully. The delivery of affordable housing through ADUs

has been attempted in certain jurisdictions, particularly on the West Coast, in California, where high housing prices are a preeminent concern and ADUs are seen as one vehicle to addressing them by adding “hidden” density in a smart growth infill strategy (Wegmann and Chapple, 2014; Gabbe, 2019). Ramsey-Musolf (2018) exposes the way ADU policy has been used to satisfy low-income housing quotas across the state, but when investigated, the “lack of oversight and the unproven efficacy of ADUs as low-income housing means that California has low-income housing units that exist on paper but not in operation” (p. 2). In other words, municipalities were allowed to count potential ADUs toward meeting their goal of providing affordable housing units, but none of the cities’ zoning bylaws regulated maximum rent, occupant income, for any length of time. While it is often thought that these units could help with providing affordable housing, and they did, in fact, contribute to the housing inventory in various cities, there was no evidence that they contributed to housing for low-income individuals.

Without strong governmental mandates for affordable housing, Harris (2017) articulates that these units provide housing to a vulnerable segment of societies: “[the] demand for informal (particularly non-compliant and substandard) housing in the global north can be understood as a product of state failures to meet the needs of lower income groups within a wider context of housing financialisation and the restructuring of the welfare state under neoliberalism” (p.20). Further to this point, there is difficulty in ascertaining the number of unauthorized units as a result of an unregulated privatized housing market, as “this stream of research consistently lacks significant legal measures that would secure these potential ADUs as regulated and available low-income housing” (Ramsey-Musolf, 2018, p. 7). Additionally, jurisdiction fragmentation may be another reason for the lack of adoption of an affordable housing strategy, as they can be seen as politically unpopular in wealthier areas (Anacker and Niedt, 2019). Whether ostensibly stated or not, government agencies permit private actors (builders, developers, landlords) to act illegally to take the pressure off the government to provide affordable housing, while actually not funding or providing the housing themselves (Harris, 2017; Mendez, 2018).

The main criticism of ADUs as the preeminent solution for housing unaffordability in Canada is that these units still fall prey to the various forms of financialisation and inequitable outcomes without accompanying government intervention. Not only does homeownership increase generational inequality, as homeowners are already considered a privileged portion of Canadian society, adding ADUs also creates more small-scale landlords, with profit motivations and would likely charge market-rate rent, rather than affordable rates (Hulchanski, 2004; Arundel, 2017). Therefore, if the target audience for ADU development are property owners, it could further exacerbate tenure divides if other mechanisms are not in place (such as rent control and/or pathways toward shared equity, etc.). While some have speculated that ADUs would lead to gentrification,

new research highlights how ADUs decrease property values of surrounding homes, with a bigger effect in higher income neighborhoods, which has implications for NIMBYism and points to the need for further research on home values in other municipalities (Van der Poorten and Miller, 2017; Davidoff et al., 2022). Furthermore, with the increase in the number of private investors in markets, it can be assumed that many units will be created to maximize profit, and therefore perform a more extractive and less democratic function, as both control and profit are vested outside of the immediate community (Merali, 2021; Tapp, 2021). Again, this is true of all forms of housing and is not specific to ADUs. I simply argue that ADUs produce *more equitable* outcomes, not *the most* equitable outcomes, and by allowing a greater amount of developers (i.e., the average homeowner), there is more involvement in development that could produce more units based on social need, rather than the usual suspects—wealthy, corporate developers—whose main goal is excess capital. As will be discussed in the next section, ADU development in isolation of other regulatory protections and tenure options will simply lead to financial actors seeing an opportunity to extract more value from existing land.

## Democracy

Noting the inherent tension within democratic processes and economic redistribution, in that the former does not always produce the latter, Fainstein (2010) relies on state power to counter the “unjust effects” of elite decision-making, assuming those state institutions are free from unjust power dynamics (p. 33). Her argument is seemingly more procedural and as a result, is silent on the integration of private property rights as an expression of democratic citizenship. In light of this fact, I make a cautious argument that within the existing privatized housing system, one that is currently being promoted and subsidized by governments at all levels of Canadian society, it would be better to have more units created by the average homeowner, rather than the large developers, who are often connected to real estate investment trusts and only have a profit agenda. Additionally, ADUs can open up new forms of housing tenure that increase the amount of democratic control in communities.

It is worth stating that ADUs are designed to be a solution within the existing property rights framework for owners to create new housing supply on existing infrastructure in a decentralized and accessible format, effectively creating more landlords. Rather than framing this as a form of exploitation or residential alienation, meaning an extraction of value and disconnection between the consumer and producer of housing due to the landlord-tenant relationship, it could be seen as an expression of liberal democracy within a market framework (Purcell, 2008; Thompson, 2020), wherein existing and potential homeowners have more power and ability to influence the outcomes of a built environment through individual choice

and direct action. The fact that any homeowner could become a small-scale developer and create a new housing unit could be seen as a more democratic form of privatized housing development within a neoliberal, rational choice, property rights paradigm as it increases the amount of units that are not being controlled by one entity or corporation (Fischel, 1987, 2000). Therefore, within the paradigm that considers ADU development as small, low cost, and low risk (see Wegmann and Chapple, 2014; Brown et al., 2020), it is plausible that it could lead to a greater sense of participation at a micro-scale, especially if the units contribute positively to existing social fabric of their neighborhood (Goodbrand et al., 2017). With that said, in order to protect these units from financialized actors, on both a domestic and global scale, it is incumbent upon municipal, provincial, and federal governments to create regulatory oversight so that they do not become vehicles for greater wealth extraction from local communities (for example, the prohibition of short-term rentals).

Despite the increase in choice to develop one's property, the issue of ADU housing tenure and ownership could also limit the level of democratic control and participation, as there is evidence to suggest these units are stigmatized by both property owners and renters, with embedded power dynamics that tend to benefit the former (Mendez, 2017, 2018; Suttor, 2017; Goodbrand and Hiller, 2018). ADUs as a built form, meaning a unit situated on a residential property that has an accessory use to the main dwelling, will always limit the tenants' level of control and autonomy if there are no other forms of protections or tenure except that of rental legislation that can be applied to the property. This means that without proper government oversight (such as the adherence to strong tenants' rights legislation), the dynamics could be further exacerbated if homeowners leverage eviction as a possibility for non-compliance for certain (possibly illegal) requirements (Van der Poorten and Miller, 2017).

To overcome this divide, other forms of tenure, such as cooperative housing (co-ops) of community land trusts (CLTs) need to be pursued in conjunction with ADU conversions and new builds on an individual lot basis. Due to their layers of state protection, co-ops and CLTs have an elevated security of tenure that mirrors that of homeownership (Hulchanski, 1986, 1988; Goldblatt, 2004; Bunce, 2018; Bunce and Barndt, 2020). Arguably, CLTs have an even higher level of security of tenure, as their removal from the market in perpetuity confirms that they will not be at the whim of market forces (Bunce, 2018; Bunce and Barndt, 2020). Furthermore, due to the collective maintenance of co-ops and CLTs, the "sense" of ownership is still present, differing from a private-market rental, wherein the tenant often divests themselves from the maintenance of the structure, and is more vulnerable to landlords who also abdicate responsibility (i.e., absent slumlords or distant property management companies). Furthermore, in both examples, as all residents are co-owners and co-managers of their collective and individual spaces, there is a built-in democratic and consensus-driven mandate to work collaboratively and

cooperatively. This removes the power imbalance between the owner (landlord) and occupant (tenant), as both are one in the same in the co-op and CLT structures (Hulchanski, 1986). As applied to ADUs this could mean the ability for tenants to be involved in the decision-making of their housing in a collective format, changing the dynamic from a homeowner-landlord-tenant arrangement, to that of co-residents responsible for managing an individual property (Goldblatt, 2004). Because of the democratic governance structure, there is an ability to include marginalized voices *ipso facto* in spaces that they are typically excluded from (i.e., homeownership). To be clear, this dynamic could already be present in practice at a micro level (i.e., with positive owner-occupied and tenant relations) (Patterson and Harris, 2017; Mendez, 2018). However, the potential to alter these power dynamics with new forms of tenure for ADUs needs to be explored.

## Diversity

The *Just City* embraces a poststructuralist approach toward the concept of diversity, meaning it embraces the differences and "rootedness" of people's class, gender, cultural, and familial relationships (Fainstein, 2010, p. 44). In challenging the way liberal political theory sees people atomistically, there is a challenge to not lead to essentialism and further oppression. As it applies to the housing sector, this theory could be applied in such a way to mean that a diversity of housing options is necessary to accommodate peoples' intersectional lifestyles. This means that the dominance of any one mode (i.e., single family detached housing for our purposes) is antithetical toward the goal of diversity in a *Just City*. This may be an oversimplified or shallow reading of Fainstein's articulation; however, the ability for diverse groups to live fruitful lives and shape the built environment in a way that honors their desired forms of social reproduction is a seemingly logical extension of her argument. ADUs could be seen to provide an option to accommodate this goal and ultimately produce more heterogeneous demographics and tenure mixes in within existing neighborhoods in Canadian cities.

There is evidence to suggest that within Canadian cities inequality has increased at a neighborhood level and "urban areas... are becoming more emphatically partitioned or divided into relatively homogeneous zones, not only by income and class but also by ethnic origin, race, immigration status, and age" (Grant et al., 2020, p. 28). This plays itself out within the housing sector, as income dictates the affordability of particular neighborhoods, housing types, etc., with homeowners and renters typically fitting different demographic profiles. ADUs provide opportunities for the two groups with differing socioeconomic status to live in close proximity to one another if the main dwelling unit is owner-occupied. At a micro scale, ADUs encourage a form of housing tenure mix, which could help ameliorate the socio-spatial polarization in municipalities



(Mendez, 2018). As a solution to inflexible housing development patterns that characterize Canada's housing system, ADUs are a substantive policy solution to add more rental tenure, potentially transforming the socio-economic fabric and producing more spatially equitable and diverse outcomes.

Due to their size, tenure and flexibility, ADUs provide numerous benefits within the current housing system, as they can accommodate different populations with respect to age, household relations, and multigenerational family preferences. For example, seniors are a target demographic for ADUs, as many municipalities are creating policies that support "aging in place," referring to assisting seniors to grow old without moving to larger scale (i.e., outside of their community into long-term care homes) (Pynoos et al., 2008). ADUs can act as a form of supportive housing that enables them to maintain a sense of independence and privacy while remaining close to their family members because they require some financial or personal support (Pynoos et al., 2008; Lehning, 2011). Furthermore, for seniors who are homeowners, having an ADU also assists in overcoming the costs associated with home maintenance, which is a significant barrier to aging in place, because they help supplement senior homeowners' incomes (Lehning, 2011). Additionally, ADUs can fall into the category of shared housing for racialized, immigrant households, highlighting an arrangement that goes beyond economic rationality. In this instance, ADUs meet a social need of connection through accessible housing, that also assists with home ownership, the dominant cultural predisposition of Western cities (Alam et al., 2021). Similarly, ADUs confront narratives of ethnocentric nuclear family structures, as secondary suites are a housing solution for multigenerational family living that supports stronger social outcomes (Goodbrand et al., 2017). Similarly, there is also evidence to suggest that there is a rise of one person households, and the current housing stock in many cities in North American cities does not easily accommodate those demographic shifts (Infranca, 2014). In sum, with respect to increasing diversity, as a matter of justice in urban environments, ADU research (albeit limited) suggests that ADUs have the potential to increase housing options in segregated, exclusive, homeowner-dominated neighborhoods through the diversification of existing housing stock, in turn, opening up possibilities to meet financial, familial and social needs.

## Conclusion

In review of the literature and the goals of a *Just City*, it is most compelling to remove ourselves from the binary of ADUs being good or bad within a capitalist, liberal democratic framework, but rather measure municipalities on the basis of the outcome of distributional equity. Ultimately, the presence of informal, illegal, or unauthorized secondary units in virtually all urban environments, even if poorly understood, are in

fact, a necessary contradiction within a capitalist housing market. Whereas informal units exist to provide people with affordable housing options, while paradoxically bolstering the formal property rights framework, they do not squarely fall into the box of more equitable, democratic, or diverse housing outcomes. It is my view that this is not an either/or dilemma. Importantly, ADUs do not directly challenge the existing bundle of rights and freedoms that are constituted with hegemonic privatized homeownership model of housing, as they simply shift the tenure and provide additional rental opportunities, particularly if supported by government intervention. The *Just City* framework can be used to measure outcomes and hopefully inspire researchers and policy makers alike to propose solutions that add affordable housing units that move us toward more equitable, democratic and diverse outcomes in the housing sector.

Legalizing permitted ADUs (both attached/internal and detached units) are not a silver bullet to ease our housing woes in North American society. However, there are several pathways forward that can be examined through the lens of equity to generate better outcomes. Firstly, in adding more supply through non-traditional ways, the exploration of more options that give renters pathways to homeownership, such as shared equity models, condominium legislation, etc., could be of value, so as to not intensify the inequality between homeowners and renters. Additionally, protections to prevent these units from being co-opted by financial actors, such as owner-occupier requirements, and the prohibition of ADUs being used for short-term rentals would be of critical exploration (Wachsmuth and Weisler, 2018). Secondly, without compromising on building code safety, I cautiously advocate for less zoning restrictiveness (i.e., removing parking minimums, onerous size requirements, etc.) as there is a body of evidence to suggest that the greater the policy restrictiveness, the less ADUs will be developed; however, this does not always stop their development (Wegmann and Chapple, 2014; Gottlieb, 2017; Anacker and Niedt, 2019; Elmendorf, 2019; Gabbe, 2019; Brown et al., 2020; Haines, 2020). The idea that regulation necessarily provides better, low-cost affordable housing in current neoliberal context is at odds with the informal, or illegal, development of secondary units. Through their evasion of local regulatory frameworks, existing units are often, in fact, already providing below average market rent spaces, with evidence that suggests they are flexible, transitional, potentially affordable, while also being substandard and unsafe. The exploration of how regulatory oversight could help achieve more affordable outcomes can be quickly summarized in one point: it likely will not without state intervention. It does, however, produce safer living spaces that arguably create a better quality of life for renters. Therefore, it is clear from the various (and growing body of) case studies that informal housing is nuanced in outcomes: it can be exploitative and unsafe (Gurran et al., 2020), whereas other times it is tolerable for specific purposes, as it is a form of short-term, accessible housing solutions (Goodbrand and Hiller, 2018;

Alam et al., 2021). Transitioning quickly to strict regulatory oversight could result in the removal of large amounts of units, which is why some cities have adopted formal policies allowing non-conforming units that are deemed to not be unsafe, but may not conform to zoning bylaws (Mendez, 2017). Therefore, the goal of equity must be seen in a pragmatic sense: how many units can be incentivized to become safe through market mechanisms.

Lastly, creative arrangements, such as non-profit housing providers renting land from homeowners to build and provide affordable housing is another way ADUs could support equitable outcomes in existing neighborhoods. In addition to the expansion of financial pathways, new (yet, old) forms of tenure that borrow from collective housing models must be modernized within existing Canadian legal framework and applied at the micro scale (meaning individual residential lot) to accommodate for ADU legislation. Exploring these possibilities will bolster the position that ADUs can be a form of equitable and democratic housing, as they'll remove themselves from the financialized system of individual capital accumulation.

In sum, I conclude with this quote and situate it in the context of ADUS:

“The decentralization of power that neoliberalism demands has opened a space for all sorts of local initiatives to flourish in ways that are far more consistent with an image of decentralized socialism or of social anarchism than of tight bureaucratized centralized planning and control. The innovations are out there. The problem is how to bring them all together to construct a viable alternative to free-market neoliberalism.” (Harvey and Potter, 2009, p. 49).

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ADUs have been the sorts of local, innovative, and I add, informal initiatives that have flourished and as such, can be part of those viable alternatives. With an increasing body of academic research on ADUs, in addition to evolving municipal regulatory frameworks, it is my hope that equitable outcomes can be achieved through policy initiatives that support stronger housing diversification and democratization in Canadian municipalities.

## Author contributions

The author confirms being the sole contributor of this work and has approved it for publication.

## Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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