

Block:

Lot(s):

ARCHITECT'S OR ENGINEER'S LETTERHEAD

ARCHITECT/ENGINEER AFFIDAVIT

Address(es) _____

Borough _____ Block _____ Lot(s) _____

Total Number of Buildings _____

In connection with the above pending request for the issuance of a Regulatory Agreement ("Agreement") with the New York City Department of Housing Preservation and Development ("HPD"), I, _____, certify, under penalty of perjury, that the following statements are true and correct to the best of my knowledge:

1. I am a _____ licensed to practice and in good standing with the State of New York Department of Education.
2. I am the _____ for the project described above ("Project").
3. All capitalized terms not defined herein have the respective meanings set forth in the New York City Zoning Resolution ("Zoning Resolution"). All amounts of floor area stated herein are measured in accordance with the definition of "Floor Area" set forth in Zoning Resolution § 12-10 and the definition of "Affordable floor area" set forth in Zoning Resolution § 23-911 as pertaining to Inclusionary Housing ("IH") and are based on the building drawings ("Plans") submitted to the New York City Department of Buildings and HPD for the Project.
4. Pursuant to NYC Zoning Resolution §23- 664 Modified Height and Setback Regulations for Certain Inclusionary Housing Buildings:

[R10] I certify the Project meets the requirements of an Eligible building. The project zoning lot is in an R10 District and the zoning lot _____ a compensated development containing affordable floor area. The zoning lot has a base Floor Area Ratio of _____ and will be built to achieve a Floor Area Ratio of _____. Per the base Floor Area Ratio, _____ amount of stories can be constructed without the additional floor area generated through Inclusionary Housing.

[Inclusionary Designated Area] I certify the Project meets the requirements of an Eligible building. The project zoning lot is in an Inclusionary Housing Designated Area and has a base Floor Area Ratio of _____ and _____ amount of stories can be constructed without the additional floor area generated through Inclusionary Housing.

_____ percent of the floor area on the zoning lot contains residential uses and _____ percent of such residential floor area is IH Affordable Floor Area.

All floor area figures below should be measured as **net square footage** per the definition set forth in Zoning Resolution § 23-91:

- Such measurement includes the square footage within the inside face of the walls enclosing such dwelling unit (i.e., all floor surfaces within the dwelling unit, including closets, and the partitions that separate rooms that are within the same dwelling unit).
- Such measurement excludes (a) the thickness of exterior walls, (b) the thickness of partitions separating such dwelling unit from any other dwelling units or other spaces, and (c) portions of such dwelling unit that do not qualify as Floor Area.

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5. The Project contains _____ square feet of total Residential Floor Area.

6. The Project contains _____ square feet of Floor Area attributed to dwelling units designated for IH Affordable Housing to be occupied by Low Income Households.

7. The Project contains _____ square feet of total Floor Area attributed to dwelling units **not** designated for IH Affordable Housing to be occupied by Low Income Households.

8. The Project contains _____ square feet of total Floor Area attributed to common areas in the building for which a **user fee** is charged to residents of IH Affordable Housing Units for their use (including, but not limited to, health clubs, pools, and party rooms).

9. The Project contains _____ square feet of total IH Affordable Housing Floor Area to be occupied by Qualifying Households, calculated as follows:

$$LI + \left\{ \frac{LI}{LI + MR} \times [RFA - (LI + MR) - CA] \right\} = AHFA$$

Where:

"**RFA**" means the total residential Floor Area of the Project, as set forth in Paragraph 5.
"**LI**" means the Floor Area attributed to dwelling units designated as IH Affordable Housing Units to be occupied by Low Income Households, as set forth in Paragraph 6.
"**MR**" means the Floor Area attributed to dwelling units not designated as IH Affordable Housing Units to be occupied by Low Income Households, as set forth in Paragraph 7.
"**CA**" means the total Floor Area attributed to common areas in the building for which a fee is charged to IH Low Income Households for their use, as set forth in Paragraph 8.
"**AHFA**" means the total Floor Area devoted to IH Affordable Housing as set forth in Paragraph 9.

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10. The IH Affordable Housing Units in the Project are distributed vertically, in accordance with Zoning Resolution § 23-96(b)(1) as indicated on the Unit Height Distribution Chart A attached in Exhibit A.
11. The IH Affordable Housing Units in the Project are distributed horizontally, in accordance with Zoning Resolution § 23-96(b)(2) as indicated on the Horizontal Unit Distribution Chart B attached in Exhibit A.
12. The IH Affordable Housing Units in the Project have the following bedroom mix in accordance with Zoning Resolution _____ as indicated on the Unit Bedroom Mix Chart C attached in Exhibit A.
13. The IH Affordable Housing Units in the Project comply with the size requirements of Zoning Resolution § 23-96(d) as indicated on Unit Size Chart D attached in Exhibit A.

To prepare the above charts, use the Excel worksheet at:

[**Voluntary Inclusionary Housing Stacking Charts**](#)

14. If the Project is constructed in accordance with the Plans, the completed building(s) in the Project will be in compliance with the requirements contained in the following laws and regulations:
 - (a) Chapter 11 of the New York City Building Code; and
 - (b) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 part CFR 8. Units designated for mobility impairments (5% of the total units) and sensory impairments (2% of the total units) must include both Affordable Units and non-Affordable Units. Units designated for mobility impairment may not be designated for sensory impairments. In calculating the number of designated units, decimals must be rounded up to the next whole number.

I make these statements as of this ____ day of _____, 20_____, in order to induce HPD to enter into the Agreement to permit one or more multiple dwellings to receive Floor Area Compensation pursuant to the New York City Zoning Resolution _____, if other please specify _____. I understand that HPD will rely on the veracity of these statements in entering into the Agreement.

I understand that if HPD finds noncompliance with the Zoning Resolution and/or that any of the statements made herein are not accurate, HPD, in its sole discretion, may prevent me from certifying any future projects with HPD. Furthermore, I understand that submission of a false certification may be deemed to be professional misconduct pursuant to Section 6509 of the Education Law.

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I also understand that if, on completion, an HPD review and/or Department of Building approval of the Project finds that total Floor Area devoted to IH Affordable Housing to be occupied by either Low Income Households or Moderate Income Households, is different from the statements made herein, HPD will modify all relevant documents relating to this Project to reflect the correct total Floor Area.

Architect/Engineer Signature

Architect/Engineer Name

License Number

Business Name

Business Address

Phone Number

Seal of [Registered Architect:]
[Professional Engineer:]

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EXHIBIT A