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Lot:

ARCHITECT'S OR ENGINEER'S LETTERHEAD

ARCHITECT/ENGINEER AFFIDAVIT FOR MIH PROJECTS

Address(es) \_\_\_\_\_

Borough \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Total Number of Buildings \_\_\_\_\_

In connection with the above pending request for the issuance of a Restrictive Declaration ("Declaration") 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 and are based on the building plans ("Plans") submitted to the New York City Department of Buildings and HPD for the Project.
4. Per Zoning Resolution § 23-664, I certify the Project **does not meet** the requirements of an eligible building. The Project is located on an MIH Zoning Lot that is an MIH Site which **does not contain** all the Affordable Floor Area required of the MIH Development.
5. The MIH Zoning Lot consists of Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ and the MIH Zoning Lot will contain \_\_\_\_\_ square feet of new Residential Floor Area.
6. The amount of Affordable Floor Area required to meet MIH **Deep Affordability Option** is \_\_\_\_\_ square feet, if provided on site.
7. The Project contains \_\_\_\_\_ square feet of new Residential Floor Area.
8. The Project contains \_\_\_\_\_ square feet of Floor Area within dwelling units designated as Affordable Housing Units to be occupied by Qualifying Households.

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9. The Project contains \_\_\_\_\_ square feet of Floor Area within dwelling units **not** designated as Affordable Housing Units to be occupied by Qualifying Households.
10. The Project contains \_\_\_\_\_ square feet of total Floor Area attributed to common areas for which a user fee is charged to residents of Affordable Housing Units for their use (including, but not limited to, health clubs, pools, and party rooms).
11. The Project contains \_\_\_\_\_ square feet of Affordable Floor Area, calculated as follows:

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

- Per the definition of “Affordable floor area” set forth in Zoning Resolution § 23-911
  - *Where one or more of the dwelling units or rooming units in an MIH site, other than any super’s unit, are not affordable housing units, the affordable floor area in such MIH site is the sum of:*
    - *all of the residential floor area of the affordable housing units in such MIH site; plus*
    - *a figure determined by multiplying the residential floor area of the eligible common areas in such MIH site by a fraction, the numerator of which is all of the residential floor area of the affordable housing units in such MIH site and the denominator of which is the sum of the residential floor area of the affordable housing units in such MIH site plus the residential floor area of the dwelling units or rooming units in such MIH site, other than any super’s unit, that are not affordable housing units.*

Where:

"**RFA**" means the total Residential Floor Area of the Project, as set forth in Paragraph 7.

"**LI**" means the Floor Area attributed to dwelling units designated as Affordable Housing Units to be occupied by Qualifying Households, as set forth in Paragraph 8.

"**MR**" means the Floor Area attributed to dwelling units not designated as Affordable Housing Units to be occupied by Qualifying Households, as set forth in Paragraph 9.

"**CA**" means the total Floor Area attributed to common areas for which a fee is charged to residents of Affordable Housing Units for their use, as set forth in Paragraph 10.

"**AFA**" means the total Affordable Floor Area as set forth in Paragraph 11 and as defined in ZR section 23-911.

12. The Affordable Housing Units in the Project are distributed vertically, in accordance with Zoning Resolution § 23-96(b), as indicated on the Unit Height Distribution Chart A attached in Exhibit A.
13. The Affordable Housing Units in the Project have the following bedroom mix in accordance with Zoning Resolution § **[23-96(c)(1)(ii)]** as indicated on the Unit Bedroom Mix Chart C attached in Exhibit A.

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14. The Affordable Housing Units in the Project comply with the size requirements of Zoning Resolution § 23-96(d) as indicated on MIH Distribution Chart D attached in Exhibit A, or if using comparable average with non-affordable dwelling units, as indicated on Unit Size Chart E attached in Exhibit A.
15. The Project complies with the affordable housing requirement of Zoning Resolution § 23-154(d)(1) as indicated on MIH Distribution Chart D attached in Exhibit A.
16. 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 CFR part 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 approve the Declaration to permit residential development at the Project pursuant to Zoning Resolution § 23-154 (d)(1). I understand that HPD will rely on the veracity of these statements in entering into the Declaration.

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.

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

Block:  
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\_\_\_\_\_  
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