

Block:

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 *[registered architect]* *[professional engineer]* licensed to practice and in good standing with the State of New York Department of Education.
2. I am the *[architect]* *[engineer]* 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 and are based on the building drawings ("Plans") submitted to the New York City Department of Buildings and HPD for the Project.
4. The Project contains _____ square feet of total residential Floor Area.
5. The Project contains _____ square feet of Floor Area attributed to dwelling units designated as Affordable Housing Units to be occupied by Qualifying Households.
6. The Project contains _____ square feet of total Floor Area attributed to dwelling units not designated for Affordable Housing Units to be occupied by Qualifying Households.
7. 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 Affordable Housing Units for their use (including, but not limited to, health clubs, pools, and party rooms).
8. The Project contains _____ square feet of total Floor Area devoted to Affordable Housing to be occupied by Qualifying Households, calculated as follows:

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

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Where:

"RFA" means the total residential Floor Area of the Project, as set forth in Paragraph 4.

"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 5.

"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 6.

"CA" means the total Floor Area attributed to common areas in the building for which a fee is charged to Qualifying Households for their use, as set forth in Paragraph 7.

"AHFA" means the total Floor Area devoted to Affordable Housing as set forth in this Paragraph 8.

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9. 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. To prepare this table, use the Excel worksheet at: [Unit Height Distribution Chart A](#)
10. The 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. To prepare this table, use the Excel worksheet at: [Unit Distribution Chart B](#)
11. The Affordable Housing Units in the Project have the following bedroom mix in accordance with Zoning Resolution § [23-96(c)(1)(i)] [23-96(c)(1)(ii)] [23-96(c)(2)] [23-96(c)(3)] as indicated on the Unit Bedroom Mix Chart C attached in Exhibit A. To prepare this table, use the Excel worksheet at: [Unit Bedroom Mix Chart C](#)
12. The 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 this table, use the Excel worksheet at: [Unit Size Chart D](#)
13. 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 Declaration to permit one or more MIH Developments to receive the Maximum Residential Floor Area Ratio pursuant to the New York City Zoning Resolution [§ 23-154 (d)(2)] 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.

I also understand that if an HPD review and/or the Department of Building's approval, on completion, of the Project finds that the total Floor Area devoted to Affordable Housing to be

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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 total Floor Area.

Architect/Engineer Signature

Architect/Engineer Name

License Number

Business Name

Business Address

Phone Number

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

Sworn to me this ___ day of _____, 20__

Notary Public

Block:
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EXHIBIT A

Block:

Lot: