

# Recordation Requirements for Restrictive Declarations, Notices of Restrictions, and Notices of Certification

## **I. Executing or Waiving/Subordinating Restrictive Declaration**

- All fee owners must execute a Restrictive Declaration
- The following form waiver/subordination, ([Download Waiver/Subordination Form](#)), is to be used by mortgagees that are parties-in-interest but are not executing a Restrictive Declaration.

## **II. Certifications of Parties-In-Interest to a Zoning Lot**

- The Department of City Planning (“DCP”) will not accept such certification if certified by the title company more than four months prior to the date the associated Restrictive Declaration is executed. Notwithstanding the foregoing, DCP reserves the right to request a more recent certification.

## **III. Requirements for plans attached as exhibits**

- The plans attached as an exhibit must be signed and sealed.
- The plans attached as an exhibit must be legible in a reduced format (8 ½ x 11 or 8 ½ x 14.) If not fully legible at this reduced size, larger plans must be segmented onto 8 ½ x 11 or 8 ½ x 14 pages.
- Segmented plans should show overlap along the common edges.
- A segmented plan need only be signed and sealed on one page. Each page of the exhibit with the segmented plans should contain the following notation: Exhibit B, [plan number], page 1 of X, 2 of X, etc. (where X is the total number of pages in the plan.)

## **IV. Recording**

### **A. In Manhattan, Bronx, Brooklyn and Queens:**

- DCP must receive for review and sign-off, prior to recordation, two original versions of the fully executed Restrictive Declaration, Notice of Restrictions or Notice of Certification, including Exhibits. One of the originals will be returned to the applicant’s representative following approval for recordation, and the other will be retained by DCP.
- DCP-approved Restrictive Declarations, Notices of Restrictions or Notices of Certification must be recorded by the applicant/applicant’s representative at the Office of the City Register in the Borough in which the property is located.
- Restrictive Declarations, Notices of Restrictions and Notices of Certification must be filed as a "Sundry Miscellaneous" document type.

**B. In Staten Island:**

- DCP must receive for review and sign-off, prior to recordation, two original versions of the fully executed Restrictive Declaration or Notice of Restrictions, including Exhibits. One of the originals will be returned to the applicant's representative following approval for recordation, and the other will be retained by DCP.
- DCP-approved Restrictive Declarations and Notices of Restrictions must be recorded by the applicant/applicant's representative at the Office of the Richmond County Clerk.
- Restrictive Declarations must be filed as a "Declaration" document type.
- Notices of Restrictions must be filed as a "Notice" document type.

**V. Proof of recordation**

A. All documentation should be submitted directly to DCP Counsel's Office, to the attention of the attorney assigned to the application

B. In **Manhattan, Bronx, Brooklyn and Queens**, submit the documentation described below in: Two copies of the document, including the recording and endorsement cover page bearing the City Register File Number (CRFN), as recorded at the [ACRIS website](#).

C. In **Staten Island**, submit the documentation described below in 1. **or** 2., depending on the applicant's preference, **and 3., if applicable:**

1. Two copies of the document, including the recording and endorsement cover page, as recorded at the [website of the Richmond County Clerk](#).

**Or**

2.
  - One certified copy of the recorded document, including the recording and endorsement cover page, as certified by the Richmond County Clerk with a multicolor stamp and raised seal.
  - One additional copy of the Certified document

**And, IF APPLICABLE**

3. If more than 1 tax lot is affected, also provide the "index page." The index page identifies all the tax lots against which the document was recorded. [View a sample index page.](#)