

**Note: Delete “Condominium Association” or “Homeowners Association” in text below as appropriate**

AFFIDAVIT IN LIEU OF DRAFT PROSPECTUS FOR CONDOMINIUM / HOMEOWNERS  
ASSOCIATION

STATE OF NEW YORK }

}ss:

COUNTY OF \_\_\_\_\_ }

[Name of Authorized representative] being duly sworn deposes and states that he/she is the [title] of [name of condominium/homeowners association] with offices at [address of condominium/homeowners association], owner/representative of a proposed condominium/homeowners association development to be constructed on/at [address of the project] in the Borough of [borough name]. The deponent states that he/she will include the following in the condominium/homeowners association’s declaration of covenants (prospectus).

- a. Provisions for automatic membership in the “association” of all owners of dwelling units in the development immediately upon taking of title to the dwelling unit. The declaration shall provide for an automatic mandatory annual charge and assessment as to any and each such owner in the development and shall provide the method for the determination, payment, assessment and collect of same for the maintenance and operation of the internal drains and drywells/storm flow detention facilities within the site by the association of a common area (as described in the declaration).
- b. Further provide that such charge or assessment shall be a charge upon the land against which the same are made and shall be a continuing lien upon the property so charged or assessed, and in addition that such charge or assessment shall be the personal obligation of the record owner of such lot against which the same is made.
- c. The developer and/or the “association” and each member thereof shall keep the internal drains and drywells/storm flow detention facilities wholly within the boundary limits of the project site area, and its point of exit from the proposed development shall not be altered.
- d. The developer and/or the “association” and each and every member thereof shall maintain the internal drains and drywells at all times throughout the life of the proposed housing development project. They shall be responsible for the abatement of any nuisance due to the use of the internal drains and drywells/storm flow detention facilities that would have an adverse effect on the health, safety and welfare of the City and State of New York.
- e. The developer shall ensure that the utilization of the internal drains for the conveyance of the sanitary flow is to be designed as to size, shape, slope and velocity to have sufficient capacity to take the estimated peak sanitary flow from the proposed site area.

f. The developer and/or the “association” and each and every member thereof, shall utilize the internal drains and drywell/storm flow detention facilities in such a manner that it will not in any way have an adverse effect on the City of New York’s completed or pending sanitary and storm water drainage plans for the tributary drainage area or the separate sewer outlets.

The deponent further states that prior to requesting final approval of the connection of the house sewers from the above referenced development to the New York City sewer system he/she will submit to the New York City Department of Environmental Protection (Department), Borough Water and Sewer Office, a copy of the prospectus which was filed with and approved by the attorney general. This affidavit is made to induce the Department to approve the Drainage Proposal, Private Sewer/Drain Plan or Site Connection Proposal application for this development.

New York City Department of Buildings (DOB) application information (if available)

NYC DOB reference number(s) \_\_\_\_\_

Block number(s) \_\_\_\_\_

Existing/Tentative Lot number(s) \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

SWORN TO BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public