



PROPERTY OWNER AFFIDAVIT: REQUEST FOR

WAIVER OF OWNER OCCUPANCY REQUIREMENT FOR ACCESSORY DWELLING UNITS

A signed, notarized copy of this form is required for an ADU that is acknowledged by the City of Durango, but temporarily does not meet the owner occupancy requirement. This waiver is non-transferable. When a property with an ADU changes ownership, the new owners must meet the owner occupancy requirement and shall submit a signed, notarized copy of an Owner-Occupancy Affidavit form within 60 days of purchase.

I/WE, \_\_\_\_\_ (Owner) am/are over the age of 18 years, and make the statements herein of actual knowledge.

- 1) The address of the property that I/we own is located in Durango, Colorado at: \_\_\_\_\_, and there is an accessory dwelling unit (ADU) on this property.
- 2) Owner owns this property, and is requesting a temporary waiver from the City for the owner occupancy requirement until \_\_\_\_\_, 20\_\_\_\_.
- 3) The owner has submitted proof of absence from the Durango area and the circumstances related to that absence to support the request for waiver of owner occupancy under the exception in LUDC Section 2-3-2-3.
- 4) Following sale or transfer of the property, Owner understands that in order to maintain an ADU in the City of Durango the property owner must reside in either the principal dwelling or the ADU. The property must be owner-occupied as stated in LUDC Section 2-3-2-3.
- 5) Owner will notify the City of Durango Community Development Department if the ADU is modified from the plans approved by the Department, or if the ADU is removed from this property.
- 6) Owner understands that the City may subject Owner to a civil penalty and/or require the removal of the ADU if any of the requirements regarding ADUs in LUDC Section 2-3-2-3 or this affidavit are violated.
- 7) Owner agrees to notify prospective purchasers of the property of the regulations governing ADUs and the owner-occupancy requirement.
- 8) Owner agrees to maintain the unit so that is safe and habitable based on accepted life safety standards as long as the unit is occupied. It is the responsibility of Owner to ensure and maintain the safety and habitability of the unit in accordance with applicable municipal codes and State statutes.

\_\_\_\_\_  
Owner Signature Date

\_\_\_\_\_  
Owner Signature Date

NOTARIZATION

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of \_\_\_\_\_, duly commissioned and sworn, personally appeared, \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be a free and voluntary act.

IN WITNESS WHEREOF I have hereunder set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Signature Print or type name

NOTARY PUBLIC in and for the state of \_\_\_\_\_,

My commission expires:

CITY APPROVAL

This waiver of the owner-occupancy requirement is approved for the owner listed above for the period ending \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Community Development Director Date