

**Non-Conversion Agreement  
For Enclosed Area Below the Flood Protection Level**

This DECLARATION made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_  
("Owner") having an address at \_\_\_\_\_.

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at \_\_\_\_\_  
Town / Village / City of \_\_\_\_\_ in the County of \_\_\_\_\_, designated  
in the Tax Records as \_\_\_\_\_.

WHEREAS, the Owner has applied for a Floodplain Development Permit, Application # \_\_\_\_\_,  
for a new or substantially improved structure on that property that may later be converted in such a manner  
as to become non-compliant with the strict elevation requirements in Special Flood Hazard Areas as  
specified in the Town / Village / City of \_\_\_\_\_ Local Law for Flood Damage  
Prevention, \_\_\_\_\_.

WHEREAS, the Owner agrees to record this DECLARATION and certifies and declares that the following  
covenants, conditions, and restrictions are placed on the affected property as a condition of granting the  
Permit, and affects rights and obligations of the Owner and shall be binding on the Owner, his/her heirs,  
personal representatives, successors, and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is: \_\_\_\_\_  
\_\_\_\_\_.
2. Enclosed areas below the flood protection level shall be used solely for parking of vehicles, limited  
storage, or access to the building. All interior walls, ceilings, and floors below the flood protection level  
shall be unfinished or constructed of flood damage-resistant materials. Mechanical, electrical, or  
plumbing devices shall not be installed below the flood protection level unless they are designed to  
prevent damage from flooding.
3. The walls of the enclosed areas below the flood protection level shall be equipped and remain equipped  
with flood vents that allow the free passage of water automatically in both directions.
4. Any alterations or changes from these conditions constitute a violation of the Permit and may render the  
structure uninsurable or increase the cost for flood insurance. The jurisdiction issuing the Permit and  
enforcing the Ordinance may take any appropriate legal action to correct any violation.
5. Other conditions: \_\_\_\_\_  
\_\_\_\_\_.

IN WITNESS whereof, the undersigned set their hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Witness