



Accessory Family Suite (AFS)

Edited 10/22

Instructions for Occupancy Total and Prohibition of Subdivision and Separate Sale Affidavits

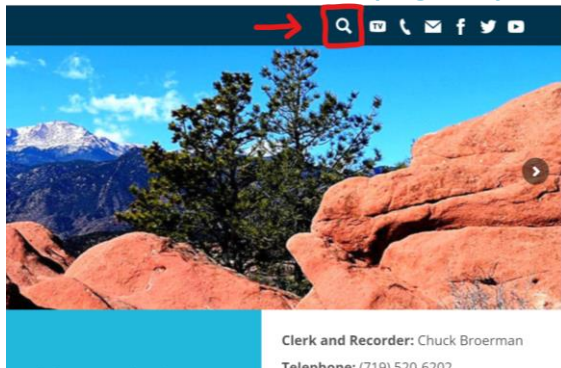
When should these documents be used?

When a single-family residence has a separate living space that is intended to be rented or functionally separate from the main living space – meeting the definition of an AFS – these documents are required. The AFS can be used as a separate living space if the overall number of unrelated people at the residence does not exceed five (5), all Code requirements are met, and affidavits have been recorded. For more information on the requirements of an AFS, view City Code Subsection 7.3.105.R at <https://codelibrary.amlegal.com/codes/coloradospringsco/>.

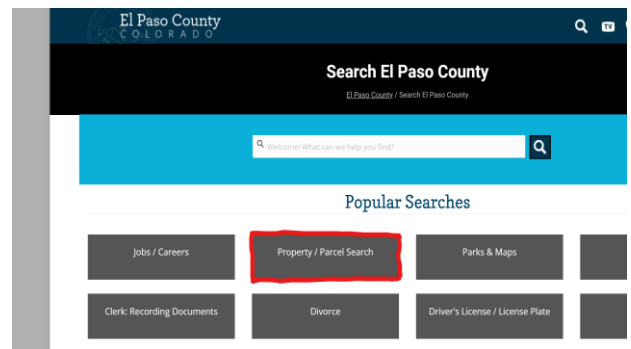
What is the process to submit the documents into a building permit application?

1. Confirm that the documents are needed for the building permit submittal. If you have question about what documents are required, contact the Development Review Enterprise at **719-385-5982** or DREPlanningInfo@coloradosprings.gov.
2. Fill out the **Owner Occupancy and Prohibition of Subdivision and Separate Sale Affidavits** included in this packet. The property’s legal description can be found online through the El Paso County Clerk and Recorder at <https://clerkandrecorder.elpasoco.com/> by following the steps below –

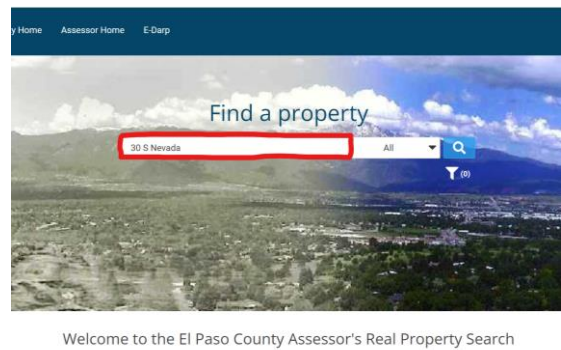
1. Click on the search icon at the top right of your screen.



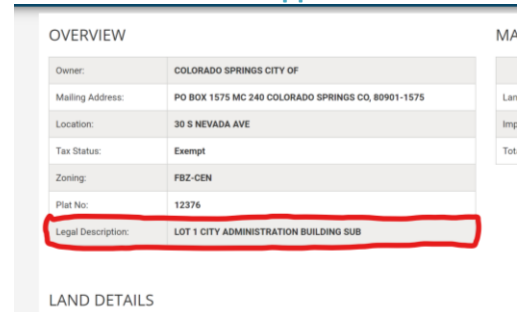
2. Click “Property / Parcel Search”.



3. Enter the address in the search bar.



4. The legal description should be entered exactly as it appears.



3. Sign the document in the presence of a notary.
4. Record the documents at the El Paso County Clerk and Recorders Office located at 1675 W. Garden of the Gods Road, Suite 2201, Colorado Springs, CO 80907. **Please call ahead to check for availability at 719-520-6202.**
5. Include the recorded documents as part of the building permit submittal.

What happens if a property is used as an AFS without proper affidavits?

A code enforcement case may be opened on the property. If a case is opened, the site will be required to come into compliance with current code.

ACCESSORY FAMILY SUITE AFFIDAVIT OF OCCUPANCY TOTAL



This affidavit must be signed and sworn before of a notary public. **Please submit this affidavit with the recordation information with any building permit application associated with the Accessory Family Suite.** If the completed affidavit is not submitted as outlined above, City Planning may withhold issuances of building permits and/or certificates of occupancy. Those with accessory family suites not compliant with City Code are liable to Zoning Enforcement action which may include civil actions

against the property owner.

The affidavit is required for accessory family suites located in any zone district where an accessory family suite is permitted.

I/We, _____, the Owner(s) of the real property located in the City of Colorado Springs, El Paso County, State of Colorado, described as:

Legal Description (or see attached) (required): _____

Known by (Street Address) (required): _____, Colorado Springs, CO (the "Property"), hereby state that the following information is true and complete to the best of my knowledge:

- 1. The Owner(s) are aware that accessory family suites do not constitute a secondary dwelling unit. Therefore occupants living at a residence containing a single-family residence with an accessory family suite must meet the definition of a family as defined in the City Code and as follows:

FAMILY: As used in this Zoning Code, an individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five (5) persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one dwelling unit. The definition of "family" shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.

 Signature(s) of Property Owner(s) Date

Property Owner Printed Name(s)

STATE OF COLORADO)
)
 COUNTY OF _____)
)
 ss.

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____, by

[Owner(s)]

Witness by hand and official seal.

My commission expires: _____

Notary Public

