



OWNER-BUILDER DECLARATION AND NOTIFICATION

CITY OF NEWARK, CALIFORNIA

BUILDING INSPECTION DIVISION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4261 • Fax 510-578-4307 • e-mail: building.inspection@newark.org

DATE: _____
TO: _____

For use by City only	
Sent by: _____	Date _____
Via: <input type="checkbox"/> US Mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand	

SUBJECT: _____
Project Address

Project Description

Notice To Property Owner

State law allows only a duly state licensed contractor or the owner of a subject property to obtain a building permit for work performed on that property. An application for a building permit has been submitted designating you, the building owner, as the applicant (commonly referred to as "Owner-Builder"). As an Owner-Builder you may be subject to several obligations, including workers compensation insurance, disability insurance costs, and unemployment compensation contributions if you employ, or otherwise engage, any persons other than your immediate family to perform any of the work described in the permit application. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. All three pages of this form must be filled-out and signed by the Owner-Builder before the City will issue the permit. If the form is mailed the Owner-Builder shall include with the form a photo copy of the Owner-Builders driver's license, form notarization, or other verification acceptable to the Building Official. When fully completed and signed, please deliver the form via mail or in person to the City of Newark Building Inspection Division, 37101 Newark Blvd., Newark, CA 94560

Owner-Builder Declaration

Please indicate which condition(s) most closely describes how you will complete the work described in the building permit. More than one condition may be applicable.

- I will be performing some, or all, of the work myself or with the help of immediate family members.**
As a bonafide Owner-Builder you are exempt from most state and federal requirements, including workers compensation insurance.
- I will be hiring unlicensed persons who are not members of my immediate family.**
This arrangement will classify you as an employer making you subject to a number of state and federal obligations including, but not limited to, workers compensation insurance, disability insurance costs, and unemployment compensation contributions. For more specific information you may want to contact the Federal Internal Revenue Service, the State Department of Benefit Payments, and the Division of Industrial Accidents.
- I will be hiring subcontractors to perform some, or all, of the work described in the building permit.**
If you will be hiring licensed subcontractors to perform all, or portions of the work, it is important for you to confirm that such contractors are properly licensed and carry appropriate insurance, including workers compensation insurance.
- I will be hiring a general contractor to perform all of the work described in the building permit.**
If you will be hiring a general contractor to perform all of the work, it is important for you to confirm that the general contractor is properly licensed and carries appropriate insurance, including workers compensation insurance. You may want to consider having that general contractor obtain the building permit in his/her own name. The City's Building Inspection Division requires contractors to demonstrate they are properly licensed by the state and possess valid workers compensation insurance at time of permit issuance. On occasion, people professing to be licensed contractors convince property owners to sign for building permits, thereby shifting liability and responsibility from themselves to the property owner.

Owner-Builder's Acknowledgment and Verification of Information

Directions: Read and initial each statement below to signify you understand or verify this information.

- ___ 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
- ___ 2. I understand building permits are not required to be signed by property owners unless they are *responsible* for the construction and are not hiring a licensed Contractor to assume this responsibility.
- ___ 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.
- ___ 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.
- ___ 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.
- ___ 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.
- ___ 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless *all* work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.
- ___ 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.
- ___ 9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or www.cslb.ca.gov for more information about licensed contractors.
- ___ 10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the subject site.
- ___ 11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.
- ___ 12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form.
- ___ 13. I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available at the following Web site:
<http://www.leginfo.ca.gov/calaw.html>.

Authorization Of Agent To Act On Property Owner's Behalf

The following shall be completed when the Application for an Owner-Builder Permit will be executed by a person other than the property owner.

Excluding this form, the execution of which I understand is my personal responsibility, I hereby authorize the following person to act as my agent to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for the subject project. If there will not be an authorized agent then write "NONE" after "Name of authorized agent".

Name of authorized agent: _____

Address of authorized agent: _____

Phone number of authorized agent: _____

Property Owner's Signature

I declare under penalty of perjury that I am the property owner for the subject address listed above and I personally filled out the above information and certify its accuracy.

Signature of Property Owner

Date _____

Print Name of Property Owner

Signature verified via:
 Drivers license Notarized signature