

OWNER BUILDER PERMIT DISCLOSURE STATEMENT

Amherst County, Virginia

Introduction

Contractors performing construction work must be licensed by the Commonwealth of Virginia and must conform to all requirements of State law. Exempted from this requirement are persons who wish to perform construction work on their own property, specifically the following:

- Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period.
- Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law.
- Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use.
- Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.).
- Any owner-developer, provided that any third party purchaser is made a third party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer.

In order to claim an exemption from the requirements for licensed contractors, property owners must personally appear before the Building Official and read and sign this Disclosure Statement (hereafter, "Statement"), and personally sign the building permit.

Applicants should be aware that unlicensed contractors may ask a property owner to obtain an owner-builder permit that indicates that the property owner is providing his or her own labor and materials. A property owner who makes those misrepresentations may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while performing the work. Your homeowner's insurance may not provide coverage for any personal injury or property damage.

This Statement is intended to help ensure that you fully understand the implications of obtaining an owner builder building permit, and that you are in fact providing your own labor and materials in the construction project. County Building Department staff are available to answer any questions you may have prior to signing this Statement.

Disclosure Statement

I understand that State law typically requires construction to be done by a licensed contractor; however, I am applying for an owner-builder permit pursuant to the Owner-Builder exemption marked below:

I am going to perform or supervise the construction, removal, repair or improvement of the single building at issue. This is my primary residence, and will be used as such for at least 24 months after completion of the work

I am going to perform or supervise the construction, removal, repair or improvement of a house on real property I own, and I am doing it as a gift to my mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, or father-in-law, who either now lives in the house or will live in the house immediately upon completion of the construction work.

I am going to perform or supervise the repair or improvement of an industrial or manufacturing facility, or a commercial or retail building, for my own use.

I am going to perform or supervise the repair or improvement of an apartment which is owned by me which I rent to others.

I am going to perform or supervise the repair or improvement of a residential dwelling unit owned by me which I rent to non-family members, and I own a total of eleven or more single-family residences or five or more condominium units, all of which are subject to rental agreements with non-family members.

I am going to perform or supervise the repair or improvement of a single family dwelling or condominium which is owned by me which I rent to others and there is a provision in the lease of that dwelling unit making the Virginia Residential Landlord Tenant Act (VRLT A) applicable to that dwelling unit.

I am an owner-developer, and any third party purchaser will be made a third party beneficiary to the contract between me as the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party purchaser.

Virginia Code § 54.1-1101; Uniform Statewide Building Code Section 108.4

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
3. I understand that, as an owner-builder, I am the responsible party of record on a 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 name. I also understand that a contractor is required by law to be licensed in Virginia and to list his or her license numbers on permits and contracts.
4. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
5. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law.
6. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that any failure to follow these laws may subject me to serious financial risk.
7. I agree that, as the party legally and financially responsible for the proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
8. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, and the Virginia Department of Housing and Community Development.

9. I understand that licensed contractors are regulated by laws designed to protect the public. If I contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist me with any financial loss that I sustain as a result of a complaint. My only remedy against an unlicensed contractor may be in civil court. I understand that, if an unlicensed contractor or employee of an unlicensed individual or firm is injured while working on my property, I may be held liable for damages. If I obtain an owner-builder permit and wish to hire a licensed contractor, I will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.
10. I am aware of, and consent to an owner-builder permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address:
10. I agree to notify the County of Amherst Virginia, Building Safety and Inspections immediately of any additions, deletions, or changes to any of the information that I have provided on this Statement.

Affidavit

I, (print name) , _____ have read the above Statement, and confirm by my signature below that I comply with all the requirements for the issuance of an owner builder permit.

(Signature of Property Owner)

Date