



Development Services Department  
Building Safety Division  
250 East L Street, Benicia, CA 94510  
707.746.4230  
[buildingsafety@ci.benicia.ca.us](mailto:buildingsafety@ci.benicia.ca.us)

**IMPORTANT! NOTICE TO PROPERTY OWNER**

Dear Property Owner:

An application for a building permit (Permit # \_\_\_\_\_) has been submitted in your name listing yourself as the builder of the property improvements specified at \_\_\_\_\_. We are providing you with an Owner-Builder Notice, Acknowledgment, Information Verification, and Authorization Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder. **A building permit will not be issued until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated above.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

**OWNER'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](http://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 following address:

\_\_\_\_\_.

\_\_\_\_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 City of Benicia Building Inspection immediately of any additions, deletions, or changes to any of the information I have provided on this form.

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. It is also important for you to understand that if an unlicensed contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire contractors, you will be responsible for verifying whether or not those contractors are properly licensed and the status of their workers' compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the City of Benicia Building Division for issuing the permit. *(Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.)*

*By my signature below 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 upon request when this application is submitted or at the following Web site: <http://www.leginfo.ca.gov/calaw.html>.*

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

#### **AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF**

*Note: The following Authorization is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.*

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work): \_\_\_\_\_

Project Location or Address: \_\_\_\_\_

Name of Authorized Agent: \_\_\_\_\_ Tel No: \_\_\_\_\_

Address of Authorized Agent: \_\_\_\_\_

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. *(Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.)*

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_



## Development Services Department Building Safety Division

### Property Owner Declarations

| PROJECT INFORMATION                                           |
|---------------------------------------------------------------|
| Property Address:                                             |
| Name and Address (if different from above) of Property Owner: |
| Phone Number of Property Owner:                               |
| Email Address of Property Owner:                              |
| Work Description:                                             |

#### **Lead Based Paint**

WARNING: Structures built prior to 1978 may contain lead-based paint. The Owner/Contractor understands and agrees that an EPA Certified Firm shall be used for the disturbance of any painted surfaces or materials.

#### **General Permit Conditions**

1. All work performed under this shall be in accordance with the Benicia Municipal Code, Public Works Department standard plans and design criteria, California Division of Occupational Safety and Health (OSHA) excavation standards and the Caltrans Manual of uniform traffic control devices. (MNTCP) California Building Code.
2. The Applicant shall be responsible to obtain any other permit required by other public agencies (i.e. BCDC; Corps of Engineers; BAAQMD etc.). A city encroachment permit is required for work, parking removal and/or directing traffic in city right-of-way. Any individual or business contracting to work within the City is also required to have current City Business License.
3. The Applicant shall contact Underground Service Alert (USA) at least 48 hours prior to any excavation at (800) 227-2600 or 811.
4. The authorized hours of work for building and work within the Right-of-Way are 7am-7pm Mon-Fri and 8am-6pm Sat-Sun and Holidays.
5. Every permit issued shall become invalid unless inspected every 365 days.
6. This permit may be revoked at any time if the continuing allowance of the encroachment or specified work interferes with the full, adequate and safe public use of the property, right-of-way and/or watercourse involved OR if the applicant fails to comply with or violates any code section, standard, safety regulation, or any condition incorporated with the issuance of the permit as determined by the City.
7. Upon expiration or revocation of the permit, the Applicant shall immediately restore property, public-right-of-way and/or watercourse to a condition as required by the City. If the restoration is not completed to the satisfaction of and within the time frame specified by the City, the City may take any and all actions necessary to restore the property, right-of-way and/or watercourse with any and all costs incurred by the City to be paid for by the applicant including the use of the security deposit or bond and, if necessary, by legal action.
8. Licensed Contractors Declaration: I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter9 (commencing with section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

**WORKERS' COMPENSATION WARNING:** Failure to secure Workers Compensation coverage is unlawful and shall subject an employer to criminal penalties and civil fines up to \$100,000 in addition to the cost of compensation, damages provided for in section 3706 of the Labor Code, interest, and attorney's fees.

**OWNER/BUILDER DECLARATION (Please only initial one):**

**I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason(s).**

\_\_\_\_(initial), as owner of the property, or my employees with wages as their sole compensation will do all or portions of the work, and the structure is not intended or offered for sale. (Sec. 7044 Business and Professionals Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale.) If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.)

\_\_\_\_(initial) I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044 Business and Professionals Code: The Contractor's License Law) does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed Contractor pursuant to the Contractor's License Law.

*Note: A permit applicant who files a signed document remotely with the city of Benicia permit service center represents that the original signed document is in his or her possession or control. At any time after filing the document, the city may demand production of the original physically signed document. Notwithstanding any provision of the law to contrary, the City of Benicia will treat the produced facsimile as an original.*

**Applicant:** I certify that I have read the application and state that the information given is true and correct. I agree to comply with all local ordinances and state laws relating to building construction and I make this statement under penalty of law. I hereby authorize representatives of the City of Benicia to enter upon the above mentioned property for inspection purposes, except in those construction projects where the Building Official, due to the nature of the project, deems these limitations to be unreasonable. Every permit issued by the Building Official under the provisions of this code shall become invalid unless inspected every 365 days. Do not conceal or cover any construction units until the work is inspected by the City of Benicia and the inspection is recorded on the building inspection "Job Card". I hereby agree to save, defend, indemnify and keep harmless the City of Benicia and its officers, employees, agents and volunteers from all action, claims, demands, litigation, or proceedings, including those for attorney's fees, against the City in consequence of the granting of this permit or from the use or comply with the conditions under which this permit is granted.

**Select one:**      ☐ Contractor                      ☐ Owner                      ☐ Authorized Agent

By my signature below, I certify to each of the following: I am the property owner or authorized to act on the property owner's behalf. I have read this application and the information I have provided is correct. I agree to comply with all applicable city and county ordinances and State Laws relating to building construction. I authorize representatives of this city or country to enter the above-identified property for inspection purposes.

Signature:\_\_\_\_\_Date:\_\_\_\_\_

Print Name\_\_\_\_\_