



CITY OF PINOLE

COMMUNITY DEVELOPMENT DEPARTMENT

2131 Pear Street
Pinole, CA 94564

Phone: (510) 724-8912
www.ci.pinole.ca.us

OWNER-BUILDER DECLARATIONS PACKAGE

Dear Property Owner: An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at the property address [redacted] in the City of Pinole. Included in this packet is an Owner-Builder Declaration Form, provided to you per State of California Health and Safety Code Section 19825, 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. **The City of Pinole will not issue a building permit until you have read, initialed your understanding of each provision, signed and returned this form to us.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority. *Please note that Step 9 requires a notary public to verify the property owner's identify and signature.*

GENERAL RESPONSIBILITIES OF OWNER-BUILDER

An owner-builder is a person who owns the property and acts as their own general contractor on the job, and either does the work themselves or has employees (or subcontractors) working on the project. The work site must be their principal place of residence that they have occupied for 12 months prior to completion of the work. The homeowner cannot construct and then sell more than two structures during any three-year period. When you sign a building permit application as an owner-builder, you assume full responsibility for all phases of your project and its integrity. You must pull all building permits. Your project must pass codes and building inspections. The owner-builder is responsible for ordering materials and making sure all suppliers are paid. An owner-builder also is responsible for supervising, scheduling, and paying subcontractors. If you use anyone other than a licensed subcontractor for work, you may be considered an "employer." Employers must register with the state and federal governments and are obligated to participate in state and federal income tax withholding, federal Social Security taxes, workers' compensation insurance, disability insurance costs, and unemployment compensation contributions.

STEP 1 of 9: BUILDING PROJECT IDENTIFICATION

Property Address: [redacted]
Property Owner Name: [redacted]
Property Owner Email: [redacted]

STEP 2 of 9: AFFIRMATION OF EXEMPTION FROM STATE CONTRACTOR'S LICENSE LAW

Note: An agent of the owner cannot execute this Declaration.

I, as owner of the property, hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s):

Initial and mark as applicable:

I, as owner of the property, or my employees with wages as their sole compensation, will do:

- all of the work
- portions of the work and the structure is not intended or offered for sale.

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.

I am exempt from Licensure under the Contractors' State License Law for the following reason:
[redacted]

§7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' License Law (Chapter 9, commencing with §7000, of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of §7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

§7044, Business and Professions 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.

§7044, Business and Professions 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 Contractors' State License Law.

By typing my name below in the signature line I agree that my electronic signature is the legal equivalent of my manual signature, and attest to the accuracy of the information on this declaration. By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year before completing 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 Business and Professions Code § 7044, is available upon request when this application is submitted or at the following Web site: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Signature of Property Owner (Type Name): [redacted] Date: [redacted]

STEP 3 of 9: OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

Note: An agent of the owner cannot execute this Verification.

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.

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

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.

I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

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.

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.

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.

I understand under California Contractors' State License Law, 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, 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. I understand the applicable law, Section 7044 of the Business and Professions Code, is available at <https://leginfo.legislature.ca.gov/>

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.

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:

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.

By typing my name below in the signature line, I agree that my electronic signature is the legal equivalent of my manual signature and attest to the accuracy of the information on this acknowledgment and verification.

Signature of Property Owner (Type Name): Date:

STEP 4 of 9: WORKER'S COMPENSATION DECLARATION

WARNING: FAILURE TO SECURE WORKER'S COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I hereby affirm under penalty of perjury **one** of the following declarations (**initial which is applicable**):

I have and will maintain a certificate of consent to self-insure for workers' compensation, (Initial as applicable) issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit issued. Policy No.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(Initial as applicable) Carrier: Expiration date:
Policy Number:

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the worker's compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

STEP 5 of 9: CONSTRUCTION LENDING AGENCY

*I hereby affirm under the penalty of perjury that there is is not
(Initial) a construction lending agency for the performance of the work for which this permit is issued (Sec 8172, Civil Code).*

Lender's Name: _____
Lender's Address: _____

STEP 6 of 9: WASTE MANAGEMENT PLAN REQUIREMENTS FOR CONSTRUCTION & DEMOLITION

The California Green Building Code requires that 65% of construction and demolition (C&D) debris be diverted from landfills on each covered project. Applicants with "covered projects" are required to submit a Waste Management Plan to the Building Division online using the City's waste tracking system Green Halo Systems. "Covered projects" are:

- Non-residential: All projects.
- Residential: All newly constructed buildings, all demolition-only projects, all projects that increase conditioned area, volume, or size, all projects where the addition or alteration is 1,000 sq. ft. or larger, and/or all projects where the project valuation is \$50,000 or greater, except re-roof-only projects.

Hauling method to be used (select one):

Secure debris box service with the City's Franchise Hauler (Republic Services (www.republicservices.com) - No other company debris boxes allowed in Pinole

Self Hauling using your own employees, vehicles and equipment to approved recycling facilities

Read and initial each statement:

I acknowledge that I am responsible for the actions of my contractors or other agents with regard to complying with the diversion requirement pursuant to the California Green Building Code. I agree to utilize GreenHalo for reporting purposes and agree to use only those facilities shown in GreenHalo as Approved Facilities and only for the specific materials a facility handles.

I have read and understand the [Instructions for Use of the Green Halo Systems](#)

STEP 7 of 9: AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF

Note: The following Authorization Form 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.

Description of Work: _____

Project Location/Address: _____

Name of Authorized Agent: _____

Email of Authorized Agent: _____

Mailing Address of Authorized Agent: _____

Phone Number 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.

Signature of Property Owner (Sign Name): _____ Date: _____

STEP 8 of 9: CERTIFICATION

Property Address: _____
Property Owner Name: _____

Under penalty of perjury under the laws of California, I certify that:

- *I have read this document and attest to the accuracy of the information*
- *I agree to comply with all applicable city and county ordinances and state laws relating to building construction*
- *I authorize representatives of the city or county to enter the above-identified property for inspection purposes.*
- *I declare that I am the property owner for the address listed above*
- *I personally filled out the above information and certify its accuracy*

Signature of Property Owner (Sign Name): _____ Date: _____

STEP 9 of 9: FORM NOTARIZATION

Form notarization by a notary public is required to verify the property owner's signature.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____
(County)

On _____ before me, _____
(date) *(name and title of officer)*

personally appeared _____
(property owner)

who proved to me on the basis of of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)