



Instructions for Obtaining a Homeowner Permit

Doña Ana County Community Development Building Services Division

845 N. Motel Blvd., Las Cruces, New Mexico 88007 Phone (575) 647-7350 Fax (575) 525-6131
www.donaanacounty.org

-
- **The legislative intent of the exemption allowing a homeowner to obtain permits for constructing or altering their primary residence without becoming a licensed contractor is strictly to construct or alter a primary residence. Any other use of a homeowner's permit shall result in cancellation of the current Homeowner Permit and denial of any subsequent request for a Homeowner Permit**
 - **Allows Homeowner to construct or perform work that requires a permit on primary residence only**
 - **Homeowner to complete work themselves with or without W-2 employees, or subcontract out work**
 - **Homeowner responsible for obtaining permits & calling for inspections, including corrections of code violations and required re-inspections to obtain Certificate of Occupancy or final inspection as applicable**
 - **If contracts out portion of work, must be to licensed contractor who applies for appropriate permits and inspections, which provides recourse to homeowner for issues with contracted work**
 - **Homeowner must apply for the permit with the authority having jurisdiction (AHJ) which is either CID or the local permitting authority, whichever is applicable**

A homeowner may apply for a permit as the general contractor to build, construct, alter, repair, demolish or make installations to a single-family dwelling only at the location of the homeowner's primary residence. The homeowner must comply with all provisions of CILA, regulations, standards and codes including requirements for workers compensation insurance. The Homeowner Permit covers general residential construction only and is limited to a single family residential dwelling unit or an appurtenant structure/free standing storage unit. A Homeowner Permit does not cover any commercial construction, as defined in the applicable codes, or any other residential dwellings owned by the homeowner including rental dwellings. A homeowner can work alone, hire employees to assist as long as they are paid only wages and receive no other compensation, as defined in CILA 60-13-2 (I.), or hire subcontractors. If hiring employees the homeowner shall comply with all Taxation & Revenue Department reporting requirements. All subcontractors under a Homeowner Permit must be licensed and shall permit their own work.

A homeowner cannot apply for, or have issued to him/her a Homeowner's Permit if he/she is not acting as the general contractor for a project but is merely the customer of a contractor as any homeowner would be for a particular scope of work. For example, hiring a licensed contractor to re-roof your residence

requires the contractor to obtain permits and inspections without your involvement or liability in the process.

In order to qualify, there are specific requirements that must be met in order to comply with the statutory and regulatory mandates of the Construction Industries Licensing Act (“CILA”). 14.5.2.18 NMAC requires the homeowner sign a “Homeowner Permit Responsibility & Liabilities Acknowledgement” before obtaining such a permit explaining the homeowner responsibilities and liabilities when assuming primary residence construction. This Instruction Form must also be signed.

In order for AHJ employees or local planning & zoning department to verify that a homeowner has properly completed the Acknowledgement Form and in order to fully understand his/her responsibilities and liabilities in assuming the project, the homeowner must appear in person either at the appropriate AHJ office or to a local planning and zoning department and provide the following to CID or the local permitting authority:

1. This Acknowledgement and Instruction sheet must be signed and acknowledged as accepting all responsibilities and liabilities by homeowner in person at the CID office or a local planning and zoning department prior to presenting the application packet to CID or local permitting authority.
2. Proof of identity and proof of ownership of the property for which a permit is sought. Proof of identity may include current driver’s license; proof of ownership of the property may include a deed, real estate contract or such other proof as acceptable to the division.
3. Approval of documentation from local planning and zoning office if applicable.

THE HOMEOWNER PERMIT RESPONSIBILITIES AND LIABILITIES ACKNOWLEDGEMENT FORM MUST BE SIGNED AND NOTARIZED!!

I, _____ state and certify that I have read this instruction sheet completely, that I understand what I must do in order to obtain a homeowner’s permit, and agree that I shall comply with the requirements.

Signature

Date Stamp

Printed Name

Address

Telephone No.

Email address

READ CAREFULLY-YOUR RIGHTS ARE AFFECTED BY OBTAINING A HOMEOWNER'S PERMIT!!!



Doña Ana County Community Development Building Services Division

845 N. Motel Blvd., Las Cruces, New Mexico 88007 Phone (575) 647-7350 Fax (575) 525-6131
www.donaanacounty.org

HOMEOWNER PERMIT RESPONSIBILITIES AND LIABILITIES ACKNOWLEDGEMENT

Obtaining this permit allows you as the homeowner to self-perform the general construction or to act as the prime (general) contractor.

Homeowner responsibilities and liabilities are strictly monitored and must be adhered to by a homeowner seeking a homeowner's permit. Please read each of the following statements as each pertains to your application for a homeowner's permit. Feel free to ask for clarification if you do not understand. If you agree, you must place your initials on the line adjacent to the statement. If you have any hesitation or cannot agree to each of the conditions you will be denied a permit.

Homeowner must obtain zoning approval from local planning and zoning department prior to submittal to CID or local permitting authority. If you live in an area that does not have a planning and zoning department, you must appear in person at a CID office or a local permitting authority as applicable.

I have verified that the individual signing this document as homeowner has provided (1) proof of identity; (2) proof of ownership of the property; (3) acknowledgement review of the Instruction sheet for obtaining a homeowner's permit AND (4) has completed all portions of this document.

Date Stamp

Signature of local permitting authority

Printed Name/ Title

Address

Telephone No.

Email address

After initialing each item, sign the acknowledgement before a Notary Public. Present this document, proof of identity and ownership of the real property, completion of local planning & zoning documents, and the completed building permit application package in person to the AHJ office or local planning and zoning department. The signed and notarized acknowledgement shall be kept on record with the permit application as proof of the responsibilities and liabilities you have assumed by applying for and obtaining a homeowner's permit.

THIS FORM MUST BE COMPLETED BY HOMEOWNER IN PERSON AT EITHER THE APPROPRIATE PERMITTING AUTHORITY OR THE LOCAL PLANNING AND ZONING DEPT PRIOR TO SUBMITTAL TO THAT AUTHORITY. ALL PORTIONS MUST BE INITIALED OR THIS ACKNOWLEDGEMENT IS DEEMED INCOMPLETE AND UNACCEPTABLE!

Initial adjacent to the appropriate contracting you plan on completing by obtaining the homeowner's permit.

_____ I plan to build/construct a single-family primary residence that will be owned and occupied by me for a minimum of two years after Certificate of Occupancy is issued. Violation of this two year requirement may result in denial of future additional homeowner permits and/or initiation of criminal [unlicensed contracting] charges against you in accordance with the requirements of the Construction Industries Licensing Act, § 60-13-52.

_____ I plan to alter, repair, install or make improvements to my primary residence occupied by me.

_____ I plan to build/construct or improve a free-standing storage building located at my primary residence that is occupied by me.

Read each statement and initial ONLY if you fully agree and acknowledge you will abide by and understand each responsibility and accompanying liability.

_____ I fully understand that my entitlement to this Homeowner's Permit is premised on this single-family dwelling being owned and occupied by me as required by statute and rule.

_____ I fully understand that I am personally applying for this Homeowner's Permit and I cannot delegate this task to anyone.

_____ I fully understand that I must comply with all provisions of the Construction Industries Licensing Act, all regulations, and building standards and codes and acknowledge having sufficient familiarity with these laws, standards and codes to be my own homeowner/builder.

_____ I fully understand that I must call for each and every required inspection and make the premises accessible to the inspector. Failure to do so will result in inspection disapproval and penalty fees.

_____ I fully understand that if I do not want to be responsible for the quality and completion of all work on my home and for compliance with all building standards, codes and construction requirements, I should not obtain a Homeowner's Permit but rather I should hire a licensed general contractor to be responsible for all work.

_____ I fully understand that should I hire anyone, who is not a licensed contractor, to assist me in this construction that I shall pay this employee strictly hourly wages and be responsible for complying with all tax and Worker's Compensation legal requirements including obtaining appropriate employer tax numbers, withhold and report all state, federal and social security taxes and carry Worker's Compensation Insurance as required.

_____ I fully understand that if I do not carry Workers' Compensation Insurance, I may be financially responsible if any of my employees are injured while working on my premises. This financial liability will include employee(s) for whom I may not be required to carry Workers' Compensation Insurance or injured workers hired by a subcontractor I hire, who does not carry his own Worker's Compensation Insurance.

_____ I fully understand that as the homeowner-builder, I can hire subcontractor(s) to perform all or any portion of the work who will then be responsible for securing permits and obtaining all inspections for that work.

_____ I fully understand that my Homeowner's Permit is only for the general construction portion of the work. Any electrical, mechanical or plumbing work must be permitted separately pursuant to the Construction Industries Licensing Act. This includes either passing all homeowner testing and requirements, submit approved plans, obtain all required permits and call for all required

inspections or hire a licensed contractor to perform all work by appropriate permitting and inspections.

_____ I fully understand that, under no circumstances, can I perform HVAC, natural gas or liquid propane (“LP”) gas under my Homeowner’s Permit and that I must hire appropriately licensed subcontractors to perform such work by obtaining their own permits.

_____ I fully understand that if I hire a GB-02 [licensed residential contractor] or a GB-98 [licensed residential/commercial contractor] to supervise my work, to act in the capacity of a general contractor or project manager, or to perform work in a capacity other than a legal employee or subcontractor who shall obtain all appropriate permits, the Homeowner’s Permit is automatically VOIDED and requires the licensed contractor to permit the project under his license. Any violation by the licensed contractor shall result in legal action against the contractor’s license.

_____ I fully understand that I must call for and pass all appropriate inspections including a final inspection to obtain a Certificate of Occupancy, which must be issued prior to my occupation. Failure to call for a final inspection can result in a penalty against me of up to five hundred dollars (\$500).

_____ I fully understand that if an inspection results in a cited code violation, such violation must be cured within ninety (90) days or I can be assessed a penalty of up to two hundred dollars (\$200).

_____ I fully understand that if I occupy my home (or addition) prior to a final inspection, no Certificate of Occupancy shall be issued. The failure to obtain a Certificate of Occupancy may present issues in the future if I desire to refinance or sell my home.

_____ I fully understand the Certificate of Occupancy shall state that my home, addition or storage building was built under a Homeowner’s Permit.

_____ I fully understand that my remedies for code violations are limited to the permitted work of my sub-contractors who obtain permits and inspections as I have assumed responsibility as prime contractor for the project at my primary residence.

I, _____, stipulate, acknowledge and certify that I have read each of the above statements and I understand each requirement, responsibility and liability that accompanies a Homeowner’s Permit. I agree to be bound by all applicable laws, regulations, codes, standards, requirements and responsibilities. I further understand that I cannot perform any electrical, mechanical, plumbing, natural or LP gas work under this project. If I hire a licensed contractor to do any portion of this project, the contractor will apply for his own permit for this portion of the work. I understand I am required to substantiate my construction knowledge to the satisfaction of the AHJ including passing the written exam.

Homeowner signature (before a Notary Public)

State of _____
County of _____

Subscribed and affirmed to before me this _____ day of _____, 20____,

Notary Public

My Commission expires: _____