



CITY OF WINCHESTER
Zoning and Inspections Department

AFFIDAVIT OF OWNER

OWNER'S NAME: _____
PROPERTY ADDRESS: _____
DAYTIME TELEPHONE NUMBER: _____

NOTE: THIS FORM IS ONLY USED FOR BUILDING/PROPERTY OWNERS ACTING AS THEIR OWN CONTRACTOR.

IF YOU ARE THE LESSEE OR AGENT AND NOT THE BUILDING/PROPERTY OWNER, A LETTER IS REQUIRED FROM THE BUILDING/PROPERTY OWNER STATING THAT YOU HAVE PERMISSION TO OBTAIN PERMITS ON THEIR BEHALF.

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION REGARDING CONTRACTORS LICENSURE LAW AS DEFINED IN TITLE 54.1, CHAPTER 11 OF THE CODE OF VIRGINIA. PLEASE READ CAREFULLY BEFORE SIGNING.

NOTICE TO OWNER

TITLE 54.1-1111. Prerequisites to obtaining business license; building, etc., permit. Any person applying to the building inspector or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such inspector or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

It shall be unlawful for the building inspector or other authority to issue or allow the issuance of such permits unless the applicant has furnished evidence of being either exempt from the provisions of this chapter or has proven himself to be licensed or registered under this chapter to carry out or superintend the work for which such permits have been applied by providing his valid license or certificate number as required pursuant to §54.1-1111 of the Code of Virginia.

The building inspector, or other such authority, violating the terms of this section shall be guilty of a Class 3 misdemeanor. (Code 1950, Sec. 54-138; 1970 c. 319; 1980 c. 634; 1988, c. 765; 1990, c. 911; 1991, c. 151; 1992, c. 713; 1995, c. 771; 1998, c. 754; 2010, cc. 82, 755) (Cross reference – As to punishment for Class 3 misdemeanors, see Section 18.2-11)

A. TITLE 54.1-1101 (Exemptions) – (Please circle & initial the appropriate exemption).

The provisions of this chapter shall not apply to:

- 1. 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.
2. 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.
3. 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.
4. 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.
5. 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 and the third party.
6. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes.
7. Other lawful exemption – please identify the legal authority for claimed exemption.

- B. Any person who is exempt from the provisions of this chapter as a result of subdivision 1, 4, 5 or 6 of subsection A shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.
- C. Unless otherwise authorized by law, any person who is exempt from the provisions of this chapter as a result of subdivision 1, 2, 3, 4, 5, 6, or 7 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).
- D. Any person who violates the provisions of subsections B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsections B or C during a 36-month period shall constitute a Class 6 felony.

WARNING

I hereby affirm that I have read Title 54.1-1111 of the Code of Virginia and fully understand the contents thereof; that I am not subject to licensure as a contractor or subcontractor. **I further affirm that I will be solely responsible for all construction on the described property allowed by the permit(s) hereby issued.** If the work is performed by any other person or firm employed by me, that person or firm must comply with state and local contractor licensing laws.

Signature of Owner

Date