

4.23.20

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



## New Mexico Regulation and Licensing Department

### CONSTRUCTION INDUSTRIES DIVISION

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## HOMEOWNER PERMIT RESPONSIBILITIES AND LIABILITIES ACKNOWLEDGEMENT

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**BY OBTAINING THIS PERMIT, AS A HOMEOWNER, I ACCEPT SOLE RESPONSIBILITY AND ACKNOWLEDGE THAT I AM FULLY LIABLE FOR THE PROJECT.**

The three possible homeowner’s permits are a building permit, an electrical permit and a plumbing permit. The performance of HVAC and natural gas is not available through the homeowner’s permit.

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 the homeowner’s permit. You must place your initials on the line adjacent to each statement as an acknowledgement of your agreement that you understand and shall abide by each statement. If you do not adhere to each of the following statements, your permit will be cancelled.

Prior to applying in person for a homeowner’s permit with CID or the local permitting authority, you, as the homeowner, must obtain zoning approval from the local planning and zoning department, including floodplain determination. If you live in an area that does not have a planning and zoning department, you must obtain flood plain determination prior to applying for your permit.

**TO BE COMPLETED BY THE LOCAL PERMITTING AUTHORITY WHEN APPROPRIATE.**

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 of review and signing of the Instruction sheet for obtaining a homeowner’s permit AND (4) has completed all portions of this document.

\_\_\_\_\_  
Signature of local permitting authority or  
local planning & zoning authorized personnel

\_\_\_\_\_  
Printed Name/Name of Department

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Email address

Revised 10/27/20

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, flood plain determination and the completed permit application package, including the instruction sheet, in person to the Authority Having Jurisdiction (AHJ) office or the local planning and zoning department. If the completed documentation is submitted to a local planning and zoning department, such documentation shall be mailed or emailed to the AHJ. The homeowner agrees and stipulates that an email submittal to the AHJ shall be considered by all parties as original signed documentation submitted to the AHJ for all intents and purposes. All completed homeowner documentation shall be kept on record by the AHJ 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 THE APPROPRIATE PERMITTING AUTHORITY. ALL PORTIONS MUST BE INITIALED OR THIS ACKNOWLEDGEMENT IS DEEMED INCOMPLETE AND UNACCEPTABLE!**

**Place a checkmark adjacent to the appropriate contracting you plan on completing when 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 the 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 owned and occupied by me.

\_\_\_\_\_ I plan to build/construct or improve a free-standing garage or storage building located at my owned and occupied primary residence.

\_\_\_\_\_ I plan to install, alter or repair electrical wiring or plumbing systems at my owned and occupied primary residence.

I shall self-perform or subcontract each scope of work as indicated below:

- |                 |                    |                   |
|-----------------|--------------------|-------------------|
| concrete        | _____ self-perform | _____ subcontract |
| framing         | _____ self-perform | _____ subcontract |
| insulation      | _____ self-perform | _____ subcontract |
| sheetrock       | _____ self-perform | _____ subcontract |
| exterior finish | _____ self-perform | _____ subcontract |
| roofing         | _____ self-perform | _____ subcontract |
| windows         | _____ self-perform | _____ subcontract |
| doors           | _____ self-perform | _____ subcontract |
| millwork        | _____ self-perform | _____ subcontract |
| electrical      | _____ self-perform | _____ subcontract |
| plumbing        | _____ self-perform | _____ subcontract |

**Based on the scopes of work you have stated you shall self-perform and subcontract, the appropriate AHJ shall make a determination as to whether a homeowner's permit is applicable for this project and whether you qualify to perform the work to entitle you to a Homeowner's permit.**

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

- \_\_\_\_\_ I understand that the AHJ shall determine whether or not I am qualified to perform the work and whether I qualify for the homeowner permit.
- \_\_\_\_\_ I understand that I must self-perform with or without employees the major portion of the project based on dollar amount to be eligible for the homeowner's permit.
- \_\_\_\_\_ I understand that, by requesting and obtaining a homeowner's permit as a homeowner, I am acting as my own general builder, electrician or plumber and acknowledge I am solely responsible for my project.
- \_\_\_\_\_ I 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 understand that I am personally applying for this homeowner's permit and I cannot delegate this task to anyone.
- \_\_\_\_\_ I understand that I must comply with all provisions of the Construction Industries Licensing Act, all regulations, and building standards and codes acknowledging that I have sufficient familiarity with these laws, standards and codes to do the construction, alter and repair of my own personal residence.
- \_\_\_\_\_ I understand that my homeowner's building permit shall only be issued for the general construction portion of the work and that electrical and/or plumbing work must be performed by a properly licensed contractor unless I have demonstrated my ability to do such work by passing a homeowner's examination administered by the electrical or plumbing department for the jurisdiction in which I am building my home and obtaining the appropriate electrical or plumbing homeowner's permit.
- \_\_\_\_\_ I understand that I must submit plans and all other required submittals for approval by the appropriate AHJ including my acknowledgement of my responsibilities to fulfill all the requirements in connection with my homeowner's permit.
- \_\_\_\_\_ I understand that, under no circumstances, can I perform HVAC or natural gas under my homeowner's permit and that I must contract appropriately licensed subcontractors to perform such work. These appropriately licensed subcontractors must obtain their own permits and call for their own inspections.
- \_\_\_\_\_ I understand that, as the homeowner obtaining the building permit I shall physically perform the work myself, hire employees to assist in the performance of the work or subcontract work.
- \_\_\_\_\_ I understand that if I obtain a homeowner plumbing or electrical permit, only I can perform the work. I am not entitled to hire employees to assist nor may I subcontract any of the plumbing or electrical work.
- \_\_\_\_\_ I understand that any portion of the construction work that I subcontract must be to licensed contractors and that each of these subcontractors must permit each scope of work separately from the Homeowner's permit. Licensed contractors are licensed business entities not individuals.
- \_\_\_\_\_ I understand that before I subcontract any scope of work, I must verify with the Construction Industries Division that the subcontractor is duly licensed in New Mexico to perform the type of work for which I intend to subcontract.

Revised 10/27/20

- \_\_\_\_\_ I understand that if I contract with 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, the homeowner's permit is automatically VOIDED requiring the licensed contractor to permit the project under the contractor's license. Any violation of this requirement by the licensed contractor shall subject the contractor to disciplinary action against the contractor's license.
- \_\_\_\_\_ I understand that if I hire a "construction manager" or "superintendent" or "foreman" to oversee my work, that individual must be my employee, I will pay the employee hourly wages and no other form of compensation, the employee shall work strictly under my direction and I shall be responsible to comply with all tax and worker's compensation legal requirements. my home, that individual will be my employee and strictly working under my direction.
- \_\_\_\_\_ I understand that if I hire an individual to assist me in this construction I shall pay this employee strictly hourly wages, no other form of compensation and be responsible for complying with all tax and worker's compensation legal requirements.
- \_\_\_\_\_ I understand I must provide my state and federal employee tax numbers and payroll records to the division, upon request.
- \_\_\_\_\_ I understand I will withhold all required state and federal taxes, including social security taxes from the wages I pay to my employee(s).
- \_\_\_\_\_ I understand that if I do not carry Worker's 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 Worker's Compensation Insurance or injured workers hired by a subcontractor I subcontract, who does not carry his/her own worker's compensation insurance.
- \_\_\_\_\_ I understand that I must call for each and every required inspection, except those inspections permitted by my subcontractor(s). I shall make the premises accessible to all inspectors.
- \_\_\_\_\_ I understand that if an inspection results in a cited code violation, such violation must be cured within the time required by the AHJ building official or the inspector. Failure to correct is a violation of CID rules and may result in disciplinary action by the division.
- \_\_\_\_\_ I understand that for new construction all appropriate inspections, including the final, must be passed by the inspector in order to obtain a Certificate of Occupancy. The Certificate of Occupancy must be issued prior to my occupation.
- \_\_\_\_\_ I understand that if I occupy my home (or addition) prior to a final inspection, no Certificate of Occupancy shall be issued. Failure to call for a final inspection or obtain a certificate of occupancy shall result in a permanent record of such failure which may present issues in the future if I desire to sell or refinance my home.
- \_\_\_\_\_ I understand the Certificate of Occupancy shall state that my home, addition or storage building was built under a Homeowner's permit.
- \_\_\_\_\_ I understand that if I am building my own home and during the process of building, I decide not to own and/or occupy the home when it is completed, I am no longer eligible for the Homeowner's permit. At that time, I shall immediately notify the permitting AHJ who shall cancel my Homeowner's permit and I shall hire a licensed contractor to complete the work.
- \_\_\_\_\_ I understand that if I don't require each of my subcontractors to obtain their own permits, each of their contractor's bonds will not cover the work each performed and I will have limited remedies available to me through the Construction Industries Division and/or the Construction Industries Commission. Because I have assumed the responsibility for this project that would normally have been assumed by a licensed general/electrical/plumbing contractor I also assume all liabilities as to this project.

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 understand I must obtain separate permits to self-perform general building, plumbing and/or electrical work. I understand I am required to substantiate my plumbing and/or electrical knowledge to the satisfaction of the division or the appropriate AHJ. I further understand that I cannot perform HVAC or mechanical work pursuant to a homeowner’s permit. If I subcontract a licensed contractor to do any portion of this project, the contractor will apply for his/her own permit for his/her portion of the work and ensure all inspections are conducted.

By signing I acknowledge that I must submit the appropriate completed permit application and comply with all the conditions, requirements, documents and plan submittals listed in the “Building Permit Guide for Residential Construction”, which is being provided with this document. I have reviewed this Building Permit Guide for Residential Construction, and I understand and accept all the included responsibilities.

\_\_\_\_\_  
Homeowner signature  
[Must be signed and acknowledged before a Notary Public]

**SWORN AND ACKNOWLEDGED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_