



# MONTGOMERY COUNTY GOVERNMENT OFFICE OF CONSUMER PROTECTION

100 Maryland Avenue, Room 3600  
Rockville, Maryland 20850  
240-777-3636 • FAX 240-777-3768 •  
<http://montgomerycountymd.gov/ocp>



## PROPERTY OWNER ACTING AS BUILDING CONTRACTOR WAIVER REQUEST FORM

A property owner who wants to construct a building to be occupied as a **personal residence** for the property owner must receive a waiver from the Office of Consumer Protection before being issued a Residential Building Permit from the Department of Permitting Services.

### PROPERTY OWNERSHIP INFORMATION

**Property Owner Entity Type:**  Individual  Corporation  Limited Liability Company  Partnership

**Property Owner Name(s):** \_\_\_\_\_

*Property Owner Name(s) **MUST** Match the Name(s) Listed on the Deed and County Land Records*

**Mailing Address:** \_\_\_\_\_

**Contact Phone #:** \_\_\_\_\_ **Contact Email:** \_\_\_\_\_

### BUILDING CONSTRUCTION INFORMATION

**Street Number:** \_\_\_\_\_ **Street Name:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** MD **Zip Code:** \_\_\_\_\_

Optional

**Lot(s):** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

### WAIVER QUESTIONNAIRE

- 1) List the names of the people who will be occupying this building as their **personal residence**.  
\_\_\_\_\_  
\_\_\_\_\_
- 2) List all building permits for new home construction in Montgomery County issued to the property owner, or any business in which the property owner held any ownership interest, in the last two years:  
\_\_\_\_\_  
\_\_\_\_\_
- 3) List all interest held by the property owner in any new home building companies in Montgomery County or any other jurisdiction in the past ten years:  
\_\_\_\_\_  
\_\_\_\_\_

4) Explain in detail the residential building experience and/or the qualifications of the property owner to build this personal residence. Resumes and additional documentation may be attached:

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5) List the property owner's most recent new home construction experience, if any:

Project Address	County	Type: (SF/TH/Condo)	No. of Units	Date Completed

6) Has the property owner, or any business in which the property owner held any ownership interest, had any building or construction related license suspended, revoked, surrendered, or not renewed for cause in Montgomery County or any other jurisdiction? Yes No (If 'YES' attach a written explanation)

7) If the property owner is a corporation, limited liability company, partnership, or any legal entity other than an individual:

a. Please explain how the building will be used as a **personal residence** for the property owner:

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b. List the addresses of all other real property owned by this entity. Provide an attachment if more space is needed:

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c. Does this entity have any intention of using this building for business-related purposes, or was it formed for any reasons other than to own the personal residence? Yes No  
(If 'YES' attach a written explanation)

d. Fill out the following Authorized Agent Affidavit:

*I hereby declare and affirm, under penalty of perjury, that I am duly authorized to make this waiver request on behalf of the property owner, that the work proposed by this form is authorized by the property owner, and all matters and facts set forth in this Affidavit are true and correct to the best of my knowledge, information and belief.*

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**Authorized Agent's Signature**      **Print Name**      **Title**      **Date**

# AFFIRMATION OF PROPERTY OWNER ACTING AS BUILDING CONTRACTOR

Name of Property Owner: \_\_\_\_\_

Permit #: \_\_\_\_\_

(If applicable)

Address of Property

Covered by Permit: \_\_\_\_\_

Chapter 31C of the Montgomery County Code prohibits the issuance of building permits for residential constructions in Montgomery County, Maryland unless the new home builder or new home seller is registered with the Montgomery County Office of Consumer Protection.

County law does allow a property owner to obtain a building permit for **construction to be performed directly by the property owner, solely on the property owner's property, for a home that is to be occupied by the property owner as a personal residence.**

The State of Maryland administers the Home Builder Guaranty Fund which provides compensation to consumers who contract with registered new home builders or new home sellers to construct their home and later encounter problems with the construction. **Only consumers whose homes are constructed by a registered new home builder or new home seller are eligible for compensation from the Home Builder Guaranty Fund.**

In order to obtain a permit without being registered as a new home builder or new home seller, the property owner must affirm as follows:

1. I understand that new home builders and new home sellers must be registered with the Montgomery County Office of Consumer Protection.
2. Only consumers whose homes are constructed by registered new home builders or new home sellers, at the time the sales contract is signed, are eligible for compensation from the Maryland Home Builder Guaranty Fund. Consumers who sign this Affirmation may not be protected by consumer protection laws and will not be eligible to make a claim against the Maryland Home Builder Guaranty Fund.
3. I have title to the property located in Montgomery County and am seeking a building permit for that land.
4. I am requesting this building permit for **construction to be performed directly by me** on my own land, solely for my own use as a **personal residence.**
5. **I have not entered into a contract with any person or company to erect or otherwise construct the new home covered by this permit, including a contract for somebody to manage, oversee, or supervise in anyway the construction of the home.** I will not enter into such a contract without first notifying the Department of Permitting Services of the name of the person or company so that its registration status can be determined and, if registered, the builder's name and registration number can

be added to the building permit. I understand that a builder cannot perform any work on the new home until this information has been added to the permit.

6. I understand that I may be deemed to have violated County and State law if I enter into any contract for the sale of the new home covered by this request under circumstances indicating that it was never my intention to use the completed home as a **personal residence**.
7. I understand that the new home covered by this request is my **personal residence** and will not be covered by the New Home Warranty as provided in Section Chapter 31C-8 of the Montgomery County Code.
8. I understand that I must provide a certificate stating that this **personal residence** is not covered by the New Home Warranty with any building permit application and any sale to a consumer made within the five (5) year statutory warranty period.
9. To the extent known, the name of the primary subcontractors who will be working on my **personal residence** and the areas in which they will be providing improvement, i.e. plumbing, electrical, roofing, etc. are as follows:

<b>Company</b>	<b>Improvement</b>

I, the undersigned property owner, hereby declare and affirm, under penalty of perjury, that these affirmations are complete, accurate and true. I understand that any information set forth in this waiver request that is false, or misleading may result in the rejection of my waiver request and, if applicable, the rejection of any subsequent building permit issued as a result of this waiver request.

Property Owner Signature	Date	Print Name
Property Owner Signature	Date	Print Name

Submit completed waiver request to:  
 Montgomery County Office of Consumer Protection  
 Licensing & Registration Unit  
 100 Maryland Avenue, Suite 3600  
 Rockville, MD 20850