



To: **New Braunfels Homeowners**

Subject: **Homeowner Exemption from Registration - Information Bulletin Date:**

December 28, 2022

Created By: Building Safety Division

Purpose:

The purpose of this bulletin is to provide information on the process for a homeowner in the City of New Braunfels, who claims the residence as a homestead under the laws of the State of Texas, to perform work on the residence at the listed homestead without being formally registered with the city as a general contractor. This policy is in accordance with State Law and New Braunfels Code of Ordinances, Section 14-44(e). This bulletin is intended to clarify the requirements related to homeowner's exemptions in order to ensure the public safety, streamline processing, and protect residents from predatory practices by unethical and/or unqualified contractors.

Scope:

An owner of an existing residence who permanently resides in that residence and who claims it as a homestead under the laws of the state may perform certain types of work on the residence without being registered as a general contractor with the city. However, the owner must obtain all required permits and comply with all ordinances of the City as well as any other applicable state or federal laws. Furthermore, the owner must attest that they are performing the work that is described in the permit scope of the application and that they will not be assisted by any other person performing any part of the work for compensation unless that person is a licensed and registered subcontractor that obtains a permit for their portion of the scope of work. The owner must sign a notarized agreement with the City by which they attest that they understand the responsibilities of acting as their own contractor and that they are skilled and knowledgeable enough to perform the work safely and in accordance with all applicable code requirements.

Process:

Attached to this information bulletin on page 4 is an affidavit entitled Homeowner Exemption Agreement & Homestead Verification that must be executed by the homeowner, signed, and notarized, and submitted to the Building Safety Division. The homeowner is hereby affirming that the property upon which the work will be performed is claimed as a homestead under the laws of the state and that it is intended to be the homeowner's primary residence for at least one year following the date of permit issuance. Upon review of the required forms the homeowner will be informed by the Building Safety Division within 3 to 5 business days if the application is approved. Upon approval, the homeowner may then obtain permits for the types of work for which the exemption allows.



Additional Information

An approved **Homeowner's Exemption** allows the property owner to obtain specific types of permits to perform improvements on the homeowner's own homestead with the understanding that the homeowner will be performing the work themselves and that the homeowner is knowledgeable and skilled enough to perform the work safely and in accordance with all applicable codes.

The following types of residential permits **may be obtained** with a Homeowner's Exemption.

- Above-ground pools
- Accessory building construction and repair for buildings less than 200 square feet
- Electrical repairs other than work that affects the main service
- Fence construction and repair
- Generators
- Irrigation work other than the main service connection or installation of a backflow prevention device
- Mechanical work
- Minor flatwork and repairs of less than 1,000 square feet
- Miscellaneous repairs and replacements such as doors, windows, or siding.
- Non-structural alteration remodel of an existing home
- Patio and deck construction and repair
- Plumbing work
- Roofing work (Re-roof and repair)

The following is a non-exhaustive list of types of residential permits that will require a registered contractor and **may not be obtained** with a Homeowner's Exemption.

- Alteration remodel of an existing home that requires structural modifications
- Complete demolition of an existing building larger than 200 square feet or primary residence
- Detached accessory buildings larger than 200 square feet
- Foundation repair or modification
- In ground pool construction
- New addition to existing home
- New home construction, except as described in Ordinance Section 14-44(e)(2)
 - *A person who intends to build a single-family residence and permanently reside therein and claim it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered if approved by the building official. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.*
- Placement of a residential manufactured home
- Retaining walls of height greater than four feet as measured from lowest grade to top of wall



Note: A person working under a homestead exemption permit may be required to present a picture identification to verify that the person is authorized to perform the work at the request of the building official or their designee. A homestead exemption permit may be voided by the Building Safety Division if it is determined by the City's Building Official or designee that work is being performed by an unauthorized person or for repeated failure of inspections due to work that is not compliant with applicable building codes, and which is determined to be creating an unsafe condition.

Summary:

This bulletin is provided as a customer service initiative.

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Reviewed by: Nathan Brown, Assistant City Attorney

Authorized by: Christopher Looney, AICP, Director- Planning & Development Services



Homeowner Exemption Agreement & Homestead Verification

This form is required to be completed for a homeowner to be approved to obtain residential building permits on the homeowner's behalf without being registered as a general contractor in the City of New Braunfels. By signing and submitting this Agreement, the homeowner is agreeing to abide by the restrictions and qualifications described in this policy. For a homeowner to qualify for an exemption, the homeowner must permanently reside in the residence and claim it as a homestead under the laws of the state of Texas.

Homeowner(s) read and sign the following:

As owner and resident of the property located at _____

I request permission from the City of New Braunfels for a Homeowner's Exemption. I understand, and do hereby certify the following: (Please read and initial)

- _____ I certify that the property identified on this form is my primary residence, it has been claimed as my homestead under the laws of the state of Texas, and that I fully intend to reside at this address for at least one year from the date of this Agreement.
- _____ I certify that I am familiar with the currently adopted building codes in the City of New Braunfels relevant to the scope of work which I wish to perform. I am capable and knowledgeable to perform the work safely and in conformance with the relevant codes and ordinances.
- _____ I am responsible, as the homeowner and permit holder, to perform all the work myself for the permits that I obtain without assistance by any other person for compensation unless that person is a licensed and registered subcontractor working under a valid permit issued to them by the City. I understand that my work must be in conformance with the plans and specifications on file with the City of New Braunfels upon permit issuance.
- _____ I understand that if I fail to request the required inspections through proper procedures then I will be required if the City so requests, to expose all necessary areas and I may be required to remove all or part of any installed work that was completed. I agree that in such event I will have no recourse or claim against the city for the removal or reinstallation of said work.
- _____ I understand that if a required inspection does not Pass, then I will be subject to a re-inspection fee for each additional inspection in accordance with City of New Braunfels Ordinances.
- _____ I understand that failure to comply with the terms and restrictions of this agreement may result in action taken by the Building Safety Division to void my permits, upon which I would be required to hire a general contractor and/or licensed and registered professional to obtain new permits and complete the work at my expense.

State of Texas, County of _____

This instrument was acknowledged before me on this the _____ day of _____ 20_____

Applicant's Signature/Date

Notary Public Signature/Date

Notary Seal

Printed Name

Printed Name