



# License Exemption Affidavit

Customer & Technical Support Center  
Fairfax County Land Development Services  
12055 Government Center Parkway, Suite 230, Fairfax, VA 22035  
Phone: 703-222-0801, TTY 711  
[www.fairfaxcounty.gov/landdevelopment](http://www.fairfaxcounty.gov/landdevelopment)



Any person applying to the building official 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 official 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 that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

Persons exempt from the licensure requirement are listed in Virginia Code §54.1-1101(A)(1)-(15). Such person must indicate in a written statement which exemption they claim. Please initial below which exemption you believe applies to you, if any:

\_\_\_ Material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

\_\_\_ 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;

\_\_\_ 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. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;

\_\_\_ Person who performs or supervises the repair or improvement of industrial or manufacturing

facilities, or a commercial or retail building, for his own use;

\_\_\_ 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 (§ 55.1-1200 et seq.)

\_\_\_ A person, 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;

\_\_\_ Person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § 40.1-120;

\_\_\_ Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$5,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.

\_\_\_ Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide (Please attach separate sheet with references to authority)

\_\_\_ Virginia Code §54.1-1101(A)  
\_\_\_\_\_  
\_\_\_\_\_

"Immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law.

This affidavit must be completed by the property owner listed on the application and must be submitted prior to permit issuance. If you have any questions, please call the Permit Application Center at 703-222-0801, TTY 711, prior to signing this form. Copies of signed affidavits cannot be accepted.

I, \_\_\_\_\_, hereby swear under oath that, to the best of my knowledge, that I am the owner or lessee of the property listed below and affirm that the owner is exempt from licensing requirements which pertain to an owner/developer as defined in the Code of Virginia. I also affirm that I shall comply with, or ensure compliance with, the provisions of the Virginia Uniform Statewide Building Code (VUSBC).

Address: \_\_\_\_\_

Owner/Lessee Name: \_\_\_\_\_

Owner/Lessee Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

### For Notary Use Only):

State/District of \_\_\_\_\_ City/County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the aforesaid

State/District hereby certify that the following person: \_\_\_\_\_

appeared before me in the State/District and City/County aforesaid and executed this affidavit on the following date:

(month, day, year): \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



# Information Sheet

## License Exemption Affidavit and Permit Authorization Form

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### **Please read this Information Sheet before completing and filing a License Exemption Affidavit and/or Permit Authorization Form.**

A building permit is required for the following projects:

- New buildings, additions and structures
- Interior alterations (including finished basements) except new floors, carpet, paint, trim work
- Porches and decks (including alterations to existing)
- New and replacement gas appliances
- New and replacement HVAC equipment
- New plumbing fixtures
- New electric appliances
- Sheds and playhouses over 256 square feet
- Swimming pools except those meeting all of the following:
  - 150 square feet area or less
  - 5,000 gallons capacity or less
  - 24 inches deep or less
- Retaining walls over 3 feet
- Roof sheathing replacements over 256 square feet
- New exterior stairs or stoops
- Demolition of buildings and structures
- Sump pumps
- Tents over 900 square feet
- Electric car charging equipment
- Changes of occupancy or use group of a commercial space
- Movement of a lot line
- New and replacement backflow prevention assemblies
- Chemical dispensers connected to a water supply or plumbing fixture

The Fairfax County Permit Application Center receives and processes permit applications. Pursuant to the Virginia Uniform Statewide Building Code (VUSBC), Section 108.4, any person applying for the construction, removal, or improvement of any structure shall furnish, as a part of their application, proof that a licensed Virginia contractor will perform the work. Alternatively, if the person applying owns or occupies the structure and intends to perform the work without a licensed contractor, the person must submit the License Exemption Affidavit.

**Be careful obtaining permits without a licensed contractor.** If you're contractor is unlicensed, insist on a written contract with a start and completion date and do not sign anything you do not understand. Do not pay cash, rely on verbal agreements, or pay more than 10% down and do not allow payments to get ahead of the work. As the owner or occupier of the structure, you may ultimately be responsible for the cost to repair and/or replace work that your contractor does not complete.

#### **Watch out for possible signs of a scam or unlicensed contractor:**

- The contractor is reluctant to obtain the permit
- The contractor says the permit should be issued to the homeowner
- The contractor solicits door-to-door
- The contractor offers a deal because using materials left from a previous job
- The contractor only accepts cash