

## REQUEST FOR COPIES OF PLANS

Attached are forms that will need to be completed before copies of building plans can be duplicated. Also included is the State Law for duplication of plans for your information.

Once these forms are returned to the Building Division, copies will be made as soon as time is available.

### INSTRUCTIONS FOR COMPLETING FORMS

If you are **NOT** the owner:

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Complete the form "PLAN COPY AFFIDAVIT" as follows:

1. Complete entire form.

Complete the form "OWNER CONSENT FOR COPIES" as follows:

1. Complete section A.
2. Print owner's name and address in section C.
3. Office will send to owner to complete section C.

If you **ARE** the owner:

Complete the form "PLAN COPY AFFIDAVIT" as follows:

1. Complete entire form

Complete the form "OWNER CONSENT FOR COPIES" as follows:

1. Complete entire form.

If the plans are signed by an architect or engineer, the Building Division will send the "PERMISSION TO COPY" form to the professional for signature.

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# CITY OF SAN JOSE BUILDING DIVISION

## PLAN COPY AFFIDAVIT

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I am requesting copies of plans for a structure located at \_\_\_\_\_,  
and currently on file at the City of San Jose Building Division.

I acknowledge and agree to the following conditions per Health and Safety Code Section 19851,  
regarding the use of these copies:

1. The copy of the plans shall only be used for the maintenance, operation, and use of the building.
2. Drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
3. Subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

*Print Name:* \_\_\_\_\_ *Signature:* \_\_\_\_\_

*Address:* \_\_\_\_\_ *Phone:* \_\_\_\_\_ *Date:* \_\_\_\_\_

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CITY OF 5NI G5 BUILDING DIVISION

OWNER CONSENT FOR COPIES

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SECTION A

Please provide copies of plans for structures at \_\_\_\_\_  
(address)  
to \_\_\_\_\_.  
(name)

SECTION B

**Owner of Structure(s)**

I, the undersigned, attest that I am the owner of the structure at the above address, and I hereby consent to the City of 5ni gJ Building Division to provide copies of the plans to the person noted above.

**Governing Body for Common Interest Development**

I, the undersigned, attest that: (1) I am a representative of the board of directors or governing body of the association established to manage the common interest development of which the structure at the above address is part; (2) I have the authority to sign this Owner Consent for Copies on behalf of such board of directors or governing body; and (3) the board of directors or governing body consents to the City of Azusa Building Division providing copies of the plans to the person noted above.

SECTION C

Owner's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ (representative of association)

Please return this form to the City of 5ni gJ Building Division at &% '9: cchJ`'6j X, 5ni gJž75' - %+\$&

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# CITY OF SAN JOSE BUILDING DIVISION

## PERMISSION TO COPY

*(Certified, Licensed, or Registered Professional)*

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Subject: \_\_\_\_\_  
(address)

The City of San Jose Building Division has received a request (see attached affidavit) to provide copies of plans, documents, or calculations for a structure at the subject address that were stamped and/or signed by \_\_\_\_\_.

Per Health and Safety Code Section 19851, we are requesting your permission to provide copies to the applicant. The applicant has agreed to use the document in accordance with the terms of the enclosed affidavit. A copy of Health and Safety Code Section 19851 has been included for your reference.

Please sign below, indicating your permission for the Building Division to provide copies to the applicant. We must have your response within 30 days of receipt of this request. If you are unable to respond to this request within the 30 days due to serious illness, travel, or other extenuating circumstances, please contact the City of San Jose Building Division at (408) 299-3333.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

Please return this form to the City of San Jose Building Division, 215 North San Carlos Street, San Jose, California 95131, as soon as possible or fax to (408) 299-3333.

# STATE LAW FOR DUPLICATION OF PLANS

## HEALTH AND SAFETY CODE DIVISION 13. HOUSING PART 3. MISCELLANEOUS CHAPTER 10. BUILDING RECORDS

*Current through the 1995 portion of the 1995-96 legislative sessions.*

### **Section 19851 - Inspection of records; duplication of plans**

(a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court.

(b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.

(c) The building department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:

(1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.

(2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.

(3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(d) The request by the building department to a licensed, registered, or certified professional may be made by the building department sending a registered letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered letter, a copy of the affidavit furnished by the building department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered letters shall be sent by the building department to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.

(e) The governing body of the city or county may establish a fee to be paid by any person who requests the building department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the building department pursuant to this section.

(f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if, upon request from the building department, the professional does either of the following:

(1) Fails to respond to the local building department within 30 days of receipt by the professional of the request. However, if the building department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the building department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.

(2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered letter specified in subdivisions (c) and (d).

*(Added by Stats.1971 c. 616 p. 1218 Sec. 1 Amended by Stats.1988 c. 767 Sec. 2)*