



NEW CASTLE COUNTY

DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DE 19720
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Certificate of Awareness Requirements for Limited Residential Improvements

REV. 11/8/21

A Certificate of Awareness establishes a standard whereby limited residential improvements constructed prior to January 1, 2002 are not required to obtain a permit. The procedure and requirements are established by Land Use Policy and defined within this document. Please Note – A Certificate of Awareness cannot be issued to satisfy the Accessory Dwelling Unit (ADU) provisions defined in NCC Code Chapter 40 (UDC) Section 03.410(H).

Limited residential improvements are not required to obtain a permit when the following criteria are met:

- The improvement was constructed prior to January 1, 2002. A design professional shall verify and document the basis for such conclusion.
- The design professional inspects the improvement and determines the improvement does not pose any health or life safety issues.
- The design professional documents his or her findings and basis for conclusions in a signed and sealed report.
- The Department of Land Use accepts and approves the submission and issues a Certificate of Awareness.

Limited Residential Improvements – Attached and detached residential improvements to one- and two-family dwellings and townhouses not more than three stories in height above grade. The improvement is limited to one story in height above grade and 400 SF for additions. It shall include, but is not limited to finished basements, decks, sheds, carports, living areas, sunrooms, and porches. It shall not include above grade or below grade swimming pools, bedrooms located in basements without a second means of egress, or other items deemed inappropriate by the Code Official.

Design Professional – An architect or engineer duly registered by the applicable State of Delaware professional association, and who, by reason of his or her special knowledge, experience, and education is qualified to practice in that specific area of expertise. A design professional shall only practice or engage in those areas in which he or she has adequate knowledge of the facts and competence in the subject matter. The Code Official shall have the authority to request that the design professional provide credentials indicating his or her knowledge, experience, and education. *NCC Code Chapter Six Section 6.02.001.*

When corrective action is required – When the design professional requires structural modifications, all work shall be completed by a NCC licensed contractor and a building permit shall be obtained prior to performing the work (when applicable). Minor repairs such as spindles, handrails, and closing of risers do not require a building permit.

To receive a Certificate of Awareness, the submission requirements shall be submitted for review to the Department of Land Use. The Department will have a twenty (20) day review period for approval or denial.

- Cover Sheet** containing the applicant's name, address, telephone number, and email address.
- Current Plot Plan** with the improvement depicted to scale on the plan.
- Electrical Survey** with issues identified to be corrected and completed by a licensed electrician.
- Report prepared by a Design Professional** bearing his or her signature and seal. The Design Professional's report shall:
 - Verify the improvement was constructed prior to January 1, 2002. The design professional shall document the basis for such conclusion and include any applicable **photographs or documents**.
 - Document that the design professional has inspected the improvement and determined the improvement does not pose any health or life safety issues. Contain all findings and basis for conclusions **which must include photos of the improvement**. The report shall include dimensions of the improvement and percentage of finished area for basement improvements.
- Variance(s) from the NCC Board of Adjustment** (May be required if improvement encroaches into the building setbacks for the property. Any required variances must be granted prior to Certificate of Awareness issuance. An application and additional information are available on the NCC website or at Land Use Customer Service.
- Certificate of Awareness Review Fee – \$250.00**