

# Building-permit basics

By [Jay MacDonald](#) • Bankrate.com

**When most people think of essential people in home improvement, they often think of contractors, tradespersons or architects. But there's one person who can make or break a project with the stroke of a pen: the building inspector.**

Whether you're giving the old place a makeover yourself or working with a contractor, in most cases you will need to have your project approved by your local building inspection department before you begin construction, and even destruction.

"Pulling a permit" and hanging it on the outside of your house is just the beginning of your relationship with your building inspector. Look for them to stop by at key stages of your project to make sure your work is "up to code" (that is, meets minimum building code standards for your city, county and state) and grant occupancy when your remodel is complete.

Sounds simple, right?

Wrong. In fact, the convoluted yarn ball of overlapping city, county, state and federal building codes in the United States has long been the bane of the construction industry.

## Codes, codes and more codes

No one questions the need for building codes; after all, they've been around since the Code of Hammurabi in 1800 B.C. to protect the public from slapdash, slipshod and unsafe workmanship.

But do there have to be so many of them? In the United States alone, every town and county has its own building code fashioned after one of four national models: BOCA (Building Officials and Code Administrators), CABO (Council of American Building Officials), ICBO (International Conference of Building Officials) and SBCCI (Southern Building Code Congress International).

Paul Fiset, director of the Building Materials and Wood Technology program at the University of Massachusetts, says some of the differences do make sense.

"In California, we might be very concerned with seismic issues; in Florida with moisture, rot and termites; and in Massachusetts with snow load and cold and insulation. So there is certainly a regional sensitivity that is illustrated in these various codes," he says. "But I do think you could take care of this in one code."

Toward that end, three of the code organizations formed the International Code Council (ICC) in 1994 and have developed a nationwide set of standards which, according to the ICC's most current information, has been adopted by the governments of 36 states and the District of Columbia.

"Many states have statewide codes," says Fiset. "But even of those, in New York for example, if you build in New York City they have tougher codes than the state of New York. So city codes can be more difficult to satisfy. The safe thing is to always talk to your local building inspector first."

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### Do you need a permit?

How do you know if you need a building permit?

#### You'll need a building permit to:

- Add, remove or relocate interior walls.
- Re-roof.
- Build a room addition, garage addition, patio cover, skylight or large shed.
- Install or replace siding and certain types of windows.
- Build a masonry or retaining wall.
- Demolish an existing structure.

You will need an electrical permit to install, relocate, alter or repair electrical wiring, and a plumbing permit to install, relocate, alter or repair water, sewage, draining or gas systems and to replace or install water heaters, dishwashers and fixtures. If you use a general contractor, these subcontractors will usually pull their own permits.

#### In most cases, you do not need a permit to:

- Paint the interior or exterior of your house.
- Replace window glass.
- Change existing fixtures such as ceiling fans and track lighting.
- Lay carpet, vinyl or other types of flooring onto the subflooring.
- Mount shelving.
- Replace existing doors.
- Replace a sink or toilet.
- Replace kitchen appliances.

To obtain a permit, you submit design drawings or blueprints to the inspection office. By law, they must accept or reject your application within a given time period, usually 30 days. Once you pay the nominal fees, you are given a checklist of different individuals who must sign off on your work: zoning officer, city planner, fire marshal, wetlands director, tax collector, etc.

Fisette notes that some projects, such as a bedroom addition to a house with a septic system, may require approval from the local board of health because septic systems are usually regulated by occupancy, and occupancy is usually based on the number of bedrooms.

What happens if you don't obtain a permit? Some jurisdictions will fine you double the fees, but all have the power to "red flag" or shut down your project and even force you to undo your work if they can't determine if it's been done to code.

Fisette says for best results, bring your building inspector into your plans early and always save him a doughnut.

"They have a lot of power. If you're nice to them, they will be nice back and they will instruct you through the process," he says. "If you're nasty to them, they will make your life a living hell."

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## The delicate dance

Next comes the delicate dance: Who pulls the permit?

"If a contractor asks that you pull your own permit, that's a buyer beware," says Jan Burchett, executive director of the National Association of the Remodeling Industry. "Walk away from that because typically the person who pulls the permit is also the person liable for whether they followed code. In most jurisdictions, the person obtaining the permit is considered to be the contractor and is therefore liable if the work does not comply with local building codes."

Fisette adds several more reasons to have your contractor do the honors.

"If a builder pulls the permit, it makes them completely wed to the liability issue; they have accepted total responsibility for the job. If you as a homeowner pull the permit, it already starts to suggest that you're trying to be the GC (general contractor) and the GC is the one that ends up getting dumped on.

"The contractor might feel like you're usurping them and they might like it because in the end if any problems came up and you go to court, they can say, 'Hey, I was just being subcontracted by the homeowner.' I would strongly encourage homeowners to have the contractor be responsible for the whole job."

In reality, Fisette says most homeowners would find it difficult to pull the permit.

"It's just not an easy thing to do. It's complicated. In addition to all the submittals you have to give, the plans and specs and what's going to happen to the structure, you have to also prove that it's going to perform at a certain level of energy efficiency. It's well beyond most people's abilities."

But Bob Larson, a plumber in Tacoma, Wash., says many of his customers would rather save the money and do it themselves.

"I leave that up to the homeowner because if I have to go to town hall and spend three hours filling out paperwork, then I have to charge them for it, whereas I give them the option to do it so they don't have to pay me to do it," he says.

What if a contractor refuses to pull the permit or worse, suggests that you simply not pull one at all?

"Move along to the next contractor, absolutely," Fisette says. "If anyone is going to pretend to you that they're going to make life easy, the only person they're going to make life easy for is themselves."

In fact, it's a good idea for homeowners to stay out of the permitting process altogether. A good general contractor knows when and how to schedule the inspector to avoid costly downtime on your project.

"You might have three building inspectors for a community of 500,000 and they need a lot of planning," says Fisette. "It's as important to plan the building inspector as it is to plan the electrician to arrive on the right date. If you have the electrician scheduled for day 30 and you don't have the walls built, you're screwed. The same thing with the building inspector."

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