

**JOHN R. SCHNEIDER**

WHEN IS A PERMIT REQUIRED?

“The permit process is one of the most important parts of the building code and often the most misunderstood by home owners. Requiring permits and inspections is the only way a building department can ensure modifications to a building meet minimum levels of health and safety.”

We just bought a house a few months ago, and we would like to do some basic remodeling. We want to redo the kitchen, install some double pane windows, add a shower stall to a bathroom, and replace the roof covering. Does this work require a building permit? If so, do we have to get the permit, or does the contractor? I want to make sure that we do things right, in case we ever have to sell.

The permit process is one of the most important parts of the building code and often the most misunderstood by home owners. Requiring permits and inspections is the only way a building department can ensure modifications to a building meet minimum levels of health and safety. Performing work that does not meet these basic requirements becomes an important disclosure issue for home owners, and can compromise needed coverage from their home insurance carrier. Because of this, ensuring the safety of our homes should be a priority for everyone.

A building permit is required when any building or structure is erected, constructed, altered, repaired, removed, or demolished. This applies to work done by a contractor or home owner. There are four types of permits required in residential construction; building, electrical, plumbing and mechanical permits. There are very few instances when a permit is not required, and these are specifically outlined in the Uniform Building Code.

The UBC states that a permit is not required for fences not over 6 feet high, one story or detached storage or tool sheds less than 120 square feet in size, movable cases or counters not over 5 feet high, retaining walls not over 4 feet tall (measured to the bottom of the footing), platforms, walks and driveways not over 30 inches above the ground, some prefabricated above-ground swimming pools, and painting, decorating and similar finish work. It further states that even though permits are not required for these items, the work still must be done according to any applicable codes.

While on the surface this may seem pretty simple, there are some exceptions to the rule. Replacing a window is a perfect example of when a permit is required, and when it is not. Let me explain. The new vinyl windows that are being sold, are designed to be installed in two ways, either as nail-on windows, or replacement windows.

Continued

Nail on windows have a fin around the perimeter of the window frame that gets nailed the the wall studs behind the siding. This involves cutting open the siding (whether it is wood or stucco), and cutting into the water proofing membrane to expose the stud. Doing this compromises the ability of the building to remain weather tight. Unless the new window and membrane are properly flashed, and reinstalled, leakage and wall damage can easily occur. This is why a permit is required.

The replacement vinyl window on the other hand, is not nailed to the wall framing by a nailing fin, so the exterior siding does not have to be removed, or cut into. The fin on this window is part of the frame and acts as a trim that seals the window to the exterior siding. To install this window, the glass panels and frame of the window are taken and cut out, leaving an undisturbed opening. The retrofit window is merely set into this opening, with the fins resting tight against the exterior surface of the building. Since this does not disturb the original weather seal of the building, it does not require a permit.

Permits are usually not required when performing normal maintenance to a building, or one of its components. Changing a toilet, garbage disposal, a sink faucet, a light fixture or electrical outlet, or cabinets does not require a permit. However, adding or moving an electrical outlet or light fixture, sink, dishwasher or microwave would need a permit. One appliance that does require a permit when changing is the water heater. The 1994 edition of the Uniform Plumbing Code was the first to actually state that a plumbing permit would be required when a water heater is being replaced.

Permits can be obtained by either a home owner or a licensed contractor. They cannot be obtained by an un-licensed contractor. If a home owner is obtaining the permit, he or she must be doing the work themselves, for their own benefit. Licensed contractors are required by law to obtain permits on all work that they do, unless the work is exempted from the code.

For a permit to be complete, a rough and final inspection of each aspect of work is required. If a person does not call for a rough and a final inspection, the work and the permit will become void. This means that the work was never accepted or approved by the municipality, leaving the home owner potentially exposed to future liabilities.

If you don't know what's required for a certain repair or modification that you want to do to your home, call your local building department and ask. Be sure to ask if there are any local ordinances that may affect the your job. Not only will they try to answer your question, they can usually supply you with printed information about their specific requirements.

John R. Schneider is a licensed general building contractor and a certified residential code specialist. He is president of All About Homes, a residential inspection company, and has been performing code and construction consultations since 1985. Readers may address their comments to John Schneider, 24326 Mission Blvd. Suite 7, Hayward, Ca 94544. Fax number: 510 537-8666. Please include your phone number. Schneider will answer questions of general interest in the paper. He reserves the right to edit the letter for brevity and clarity. Readers are encouraged to contact a competent contractor or code consultant for specific information regarding questions they may have about their homes.