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What Homeowners Need to Know about Building Permits to Avoid Problems



Building permits are not needed for every type of home improvement project nor many types of home repairs. However, building permits are legally required and essential to get for some types of home improvement and home repair projects.

For your own protection, you need to know when you need a permit and when you don't. **You also need to know who should take out the permit and who should not.**



What Types of Projects Do and Don't Need Building Permits

The types of home improvement and home repair projects do and don't need permits vary from location to location.

Generally, projects involving structural changes to your home include removing, moving, or adding a wall, or that involves adding, moving, or removing electrical, gas, water, sewage, heating, cooling, or ventilation elements of your home need a building or specialty permit. This is because these types of projects involve safety, engineering, environmental concerns, and if not done right, they can be dangerous and cause other serious problems.

For some projects, instead of a "building" permit, you may only need an electrical, plumbing, or similar specialty permit.

Projects such as painting, minor repairs, and servicing of your home's existing systems or parts don't generally require building permits. But it's best to check.

Best Ways to Learn If You Need A Permit and What Kind

Your area may have an online resource listing the types of projects that do and don't need a building permit. For example, Fairfax County has [a page on its website about this topic](#). If you can't find such a resource, the best way to find out is to contact your local building department, explain what you plan to do, and ask them if a permit is needed and, if so, what type. In the DC metro area, building departments are generally a department within your county or city government.

Some homeowners are concerned if they call their local building permit or building inspectors office, their project will get logged and might trigger greater scrutiny. That's not usually the case. Also, you can usually talk to a building permit office anonymously.

If you don't need a permit, they will tell you. If they say your project will need a permit, you know you need to get one *before* doing the project.



If a building permit is required for your project, **it is then a legal requirement you get a permit. It's not optional.** Getting a permit means the work will also need to pass one or more building inspections by the relevant building inspectors.

Not getting a permit when you are legally obligated to get one can cause serious problems and costs for you. It is a risk not worth taking.

Building Permits Require Inspections, and That's a Good Thing for You

Building and related permits require inspections. Sometimes one inspection, sometimes several. Often there is an inspection during construction at the rough-in stage (usually before drywall is installed) and another when the work is finished.

Passing inspections gives you peace of mind that the work you paid for was done according to code.

If for some reason, the work being inspected fails inspection, it is rarely a problem for you *if you hired a contractor that pulled the building permit in their name.* Why? Because the name on the permit is the one responsible for fixing anything that does not pass inspection. Worst case, your project may be delayed.

Why Some People Don't Get Required Building Permits and What They Risk

People bypass getting a building permit for a variety of reasons.

Sometimes the contractor or homeowner wants to avoid paying the building permit fee or avoid the time needed to fill one out and file it.

Homeowners thinking of taking the permit out in their name may fear the process is complicated, confusing, time consuming, and the form may be difficult for them to properly complete properly.



Getting a building permit automatically requires the work to pass a building inspection, and some people may be worried their project won't pass inspection.

Some people are concerned getting a building permit for a home improvement might increase their property taxes.

Not all these concerns are valid for all projects. Even when some are, the potential for serious problems if you do not get the proper permits and don't get the work inspected is sizeable, and the resulting costs can be enormous.

What Does a Building Permit Cost?

Costs of building and related permits vary from location to location. They could be \$65 or several thousand dollars. The high end of the cost range is usually for new construction or very large home renovation projects. Generally speaking, the reasons permit costs vary within a local jurisdiction is because the amount of effort for the plans to be reviewed and approved and the inspection time needed is different for different types and sizes of projects. You can usually get cost information online or by talking to your local permitting office.

How Authorities Discover You Didn't Pull A Required Permit

Non-permitted projects get discovered all the time. Sometimes during the project, sometimes long after. In almost all cases, it can mean trouble and higher costs for the homeowner than if a permit to do the project was obtained before the project.

Here are some of the ways building departments find out projects did not obtain required permits:

- 1) Building inspectors travel all over to inspect projects. If they notice contractor trucks or building materials on or near your property, they may see if your home displays a building permit sign that must be displayed for most projects. If no permit is displayed, they may check their department's permit database.



- 2) Sometimes a neighbor may complain about noise or other nuisances caused by your project or that you are doing a project that they don't believe has been permitted.
- 3) If you live in a community with a Homeowner Association, someone on the architectural committee may notice the work. They may check if the work was approved by the association and check if it has a permit. Most homeowner associations require all work that legally requires a permit; get one.
- 4) Sharp realtors will often check tax records and building permits to check how a home they are selling has been upgraded since its initial construction. If they notice the home for sale has work not on the original plans that should have been permitted and inspected, but there are no records for the permits and inspections, this could cause issues with disclosure documentation homeowners often need to provide potential buyers.
- 5) If your home has a fire, the fire department may notice your home has work done that has no permit and inspection report on file. And if you file an insurance claim, your insurance company may see if a permit and inspections were done for your home's project.

Who Should “Pull” the Permit and the Consequences

Pulling a building permit is the term generally used for applying for a building permit. **Who pulls the permit can be very consequential.** Here are some guidelines.

If you are using a general or remodeling contractor:

If you are using a contractor for the work, have the contractor pull all the permits in their name. **NEVER PULL THE PERMIT IN YOUR NAME.** Why?

Because the person or entity pulling the permit is the one responsible for the work passing inspection. If a contractor suggests you can save money by pulling the permit in your name, that's a red flag. Find another contractor. The small amount of money you might save is not worth the amount of effort and risk of pulling the permit in your name.

Chances are if a contractor suggests you pull the permit in your name, it is because:



- The contractor is not properly licensed for the type or size of work involved in the project in the state where the work is being done.
- They may lack the proper insurance to cover any mishaps or injuries.
- They are not a registered business in your state.
- They are not confident their work will pass inspection and
- They don't want to be responsible for fixing any problems they caused if the project fails inspection.

If you are acting as a general contractor and using specialty contractors for some of the work and you are doing some of the work yourself.

If you are doing some parts of the project yourself and if those parts don't require a building permit you won't need to get a permit for those parts. However, for parts of the project that need permits, and for which you are using specialty (trade) contractors to handle, such as a plumber, electrician, or HVAC specialist, you may be able to have the specialty trade contractors pull the trade permits in their names for their parts of the project. This approach is allowed in some jurisdictions and in some cases.

However, if the work you plan to do yourself requires a permit, you will need to pull that permit in your name, OR you may need to pull a permit that covers all the work on the project. It depends on the local rules about permits.

If you are doing all the work on the project:

If you are doing all the work on your project and the project needs a building permit, you must pull the permit in your name. You can also pull the typical trade permits (HVAC, plumbing, and electrical) if you do that work yourself.



Risks of Not Getting a Required Building Permit are Significant

The risks and extra costs for not getting a building permit when one is required can be enormous.

- 1) Not getting a required building permit means you've broken the law. You could face a fine. If you are allowed to file a permit after the work has started, in many places, your costs to get the permit may be greatly increased.
- 2) Not getting a permit also means your project's plans have not been reviewed and approved. Not getting a permit also means your plans are not getting reviewed for compliance with building codes, fire codes, structural integrity and safety, zoning, setbacks, easements, and other requirements*.

* Other possible issues when applying for a building permit are CCRs (conditions, covenants, and restrictions), usually from planned communities, subdivisions, homeowner associations, etc. These CCRs are restrictions in addition to your local municipal ordinances. Your plans need to meet these requirements to avoid violating your HOA or other neighborhood association agreements.

Some building departments may issue you a permit regardless of whether it meets certain CCRs relevant to your project. It is best to check with your relevant neighborhood or homeowner association if your home is subject to their rules.

- 3) Importantly, not getting a required building permit also means your project won't get inspected. If not inspected, you could wind up with substandard work and potential problems that can cause a part of your home to have structural problems, a flood, fire, carbon monoxide poisoning, or other problems.

Tip: Before planning your project, you or your contractor should check zoning, setback, easement, and other requirements from the building department and your relevant neighborhood or homeowner association (if any) to avoid having to redo your plans if the permit office or your homeowner association finds your plans non-compliant. Should your



ideas for the project exceed what is allowed by zoning and other regulations, you can usually apply for a variance. Depending on what variance you need, you may get approval or be told to change your plans.

4) If your project does not have a building permit, you could face a fine and increased cost to pull the permit late, as we mentioned earlier. These things are the least of your worries. The building department may also rule that you must tear down some or your entire project, file a building permit, and start over. **THIS DOES HAPPEN.**

5) If you have a fire or other damage to your home or an injury and the damage or injury was caused by the part of your home that was worked on without getting the required permit(s) and inspection(s), not obtaining the building permit(s), and not getting the work inspected may give your insurance company cause for not paying some or all of your claim.

If the cause of the casualty was not the portion of the home where work was done without required permits and inspections, but that unpermitted part of the home was damaged, this too might be grounds to deny your claim for the part of the claim related to that unpermitted improvement.

Best Way to Avoid Problems Related to Building Permits and Inspections

Avoiding problems related to building permits and inspections is easy. Simply hire a reputable, licensed, insured, bonded, and experienced contractor with good reviews who pulls the required building permits for your project in their name.

You should also check with the contractor you hire and make sure in their contract with you it clearly states the contractor will pull all required permits in their name, get all inspections done, pass all inspections, and if their work does not pass inspection, you will not be charged for the expenses related to them fixing the problems needed to pass inspection.

When you work with Metro Building and Remodeling, we always pull permits, make sure your project gets and passes the required inspections and we never charge our clients extra for passing inspections.