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If you think getting a building permit for a home renovation is a hassle, here's what can happen if you don't have one



Adhering to local permitting laws will avoid headaches in the future and will keep you and your family safe in your newly updated home. (Lucy Nicholson/Reuters) (LUCY NICHOLSON/Reuters)

If you think it's too much trouble to get a permit to renovate your home, you might want to consider the trouble you will have if you get caught without one.

Counties, towns and municipalities require homeowners to obtain building permits before undertaking a renovation for the purpose of enforcing building codes. Codes are designed to ensure that all properties meet minimum safety and structural standards.

Illegal construction is a plague that affects communities across the United States, including our own. This summer, the District of Columbia has waged a war against illegal construction. The "Illegal Construction Blitz" was initially launched in Ward 1 — which includes Adams Morgan, Columbia Heights, Mount Pleasant, Petworth, U Street, LeDroit Park, Shaw and Kalorama Triangle — and will continue throughout the city.

The city's Department of Consumer and Regulatory Affairs said in a statement last month that more than 20 stop work orders (SWO) have been issued since the blitz was started. Not only does a SWO result in a complete halt of all work, but it also can mean substantial fines, an unexpected and unnecessary additional cost to your renovation.

Illegal construction is not a new problem. In 2003, when representing a buyer in a transaction, I came across a serious violation that could have had a tragic outcome if we had not reported it immediately. My buyer was under contract to purchase a newly renovated rowhouse in an up-and-coming D.C. neighborhood. The property had been renovated by an investor looking to maximize profits from the flip. During the home inspection, we entered the property and instantly noticed a potent gas smell. The inspector discovered that the flipper had tapped into the gas meter illegally, and it was leaking at an alarming rate. The property was a tragedy waiting to happen. Needless to say, we ran out of the house and called the gas company. If the house had been properly permitted for the construction, this potentially deadly infraction may have been caught earlier.

On another occasion, I was representing a seller in the sale of their home in Silver Spring. Five years prior, my client had hired a contractor to build a small addition on the back of the house. When doing research on the home before listing it, I went to the Montgomery County permitting website to print the permits to include in the property disclosures. The contractor had never pulled the permits for the work. According to the contractor's receipt, which the sellers still had in their records, they were charged for the contractor's work in pulling permits.

My client hired an engineer to inspect the addition and then applied for a permit post-construction. Fortunately, the only cost to my clients was the engineer's report and the permitting fee, but it could have been much worse.

You may ask: Why not put the house on the market and hope that the buyer doesn't find out? The answer is: The seller would be rolling the dice. They would be setting themselves up for a lawsuit if a fire or other calamity occurred as a result of faulty construction or wiring. The new owner's home insurance company, most likely, would not cover the damage when they learned that no permits were pulled for the construction.

John Keating, president of Metropolitan Industries, based in Montgomery County, said there are financial protections established for homeowners if a contractor causes financial loss because of the failure to pull permits. "Licensed contractors must contribute to a county fund for the payment of restitution," Keating said.

Keating says that hiring an unlicensed contractor to save money on a renovation can cost you more in the end. "Homeowners want to save money, so they hire the cheapest contractor," he said. "A homeowner in Bethesda wanted us to build a second story on an addition that was built by the previous owner," Keating added. "When we pulled the permits to begin our work, we found out that permits were never pulled on the existing structure. The county required us to dig down and rebuild the foundation."

Obtaining a permit can be done in a single step or may involve multiple steps, depending on the size of the project. Many jurisdictions now offer online permitting services. For more extensive renovations, detailed architectural and engineering plans must be submitted in person. Most projects will require one or more permits, including building permits, plumbing permits, electrical permits and mechanical permits. Plumbing, electrical and mechanical permits are issued only to licensed and bonded contractors.

There are some home repairs and renovations that should not be a do-it-yourself episode. In a recent transaction in which I was representing the seller, I noticed that the new HVAC system had no county inspector approval sticker. The seller confessed that a family member had installed it for them. Before listing the property, the seller applied for a permit and received an approval post-installation. Obtaining the approval avoided any potential issues during the sale.

My suggestion when undergoing a renovation on your home:

- Educate yourself on local permitting requirements.
- Ask your contractor to provide you with copies of the permits.
- Post a copy of the permits in a front window to notify your neighbors that you are following the law.
- Hire licensed and bonded contractors for all the work.
- If it is a DIY project, pull your own permits or hire a “permit runner” to assist you in the process.

Adhering to local permitting laws will avoid headaches in the future and will keep you and your family safe in your newly updated home.