



Jon S. Corzine  
Governor

State of New Jersey  
Department of Community Affairs  
Division of Codes and Standards  
PO Box 802  
Trenton, New Jersey 08625-0802



Susan Bass Levin  
Commissioner

BULLETIN NO.

06-1

Date: **February 2006** Subject: **Work Performed Without Permits**

Reference: N.J.A.C. 5:23-2.23(e)

The Department of Community Affairs has become aware of construction officials' concerns about how to proceed when it is discovered that homeowners have performed construction work without obtaining the appropriate Uniform Construction Code (UCC) permits. In some cases, this comes to light only when the home is subjected to a resale inspection or a reevaluation inspection. As a result, construction officials are faced with deciding how to handle the work done without a permit with the new homeowners. This bulletin is intended to provide guidance on how to enforce the provisions of the UCC in an equitable manner when it is discovered that a previous homeowner or the current seller has performed construction work without the required permits after the work has been completed.

If it is discovered that work was performed without a permit by a previous homeowner, construction officials should perform a Certificate of Continued Occupancy (CCO) inspection for the new homeowner. A CCO inspection is a reasonable solution for ensuring that construction work is properly documented and that future owners are not held responsible for violations resulting from work performed without permits. The documentation for a CCO inspection should include a report describing the work that was completed without a permit. Construction officials should be aware that CCO inspections are limited to those portions of the home that are visible. For items that are not visible, there must be probable cause to warrant uncovering the work to allow for inspections. The code official is not compelled to perform a destructive inspection unless there is reason to believe that a life-safety violation exists.

If it is discovered that work was performed without a permit by the current homeowner, the construction official may offer the homeowner a CCO inspection at his or her discretion, unless there is probable cause to warrant uncovering the work. If a contractor was involved and is known, the construction official should issue notices, require that a permit be obtained, and implement the enforcement actions prescribed by the UCC. In addition, construction officials should require homeowners

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to obtain a permit for any corrective work that would require a permit under normal circumstances, in accordance with the UCC.

If there are questions regarding enforcement, contact the Office of Regulatory Affairs at (609) 984-7672.