

Permit Submittal vs. Permit Issuance

As we continue to deal with the COVID-19 crisis, our office has been receiving calls regarding the state rules that apply to building permit applications, permit issuance, and how long these permits will last.

While each local jurisdiction has a great deal of authority regarding the administration of the state building codes, there are rules established in state law which provides a good deal of clarity for both industry and building departments. Health & Safety Code §18938.5 and §18938.6 (reprinted below) makes the following distinctions:

Permit Application Submittal Date: The date a builder submits the initial permit application determines the set of building codes to which the dwelling must comply. For example, if a builder submitted a permit application in December of 2019, the home would have to comply with the codes that took effect on 1/1/17, not 1/1/20.

Permit Issuance and the 12-Month Expiration Period: As you can see from the statute highlighted below, **the 12-month permit expiration period starts when the permit is issued**, not when the permit application is submitted. These two administrative events can easily be separated by months. This is especially the case right now as local building departments are dealing with the constraints being placed on them by the COVID-19 crisis.

The Six-Month Extension: Another of the improvements that were made by the passage of CBIA-sponsored legislation, AB 2913 (Wood) was the authorization for all jurisdictions to grant one or more 6-month extensions when the initial 12-month permit expires. While the allowance of one or more extensions is entirely under the purview of the local jurisdiction, this provides them with an essential tool for use during a crisis, like that associated with COVID-19.

For more information, please contact Bob Raymer, CBIA Technical Director at rraymer@cbia.org.

Health & Safety Code §18938.5.

(a) Only those building standards approved by the commission, and that are effective at the local level at the time **an application for a building permit is submitted**, shall apply to the plans and specifications for, and to the construction performed under, that building permit.

(b) (1) A local ordinance adding or modifying building standards for residential occupancies, which are published in the California Building Standards Code, shall apply only to an application for a building permit submitted after the effective date of the ordinance and to the plans and specifications for, and the construction performed under, that permit.

(2) Paragraph (1) shall not apply to any of the following:

(A) A city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(B) A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 12 months from the date of the permit or the permittee has abandoned the work authorized by the permit.

(C) A permit that is subsequently deemed suspended or revoked because the building official has, in writing, suspended or revoked the permit due to its issuance in error or on the basis of incorrect information supplied.

(c) No model code made applicable to any additional occupancy shall apply to any project that has been submitted for a building permit prior to the effective date of that model code.

Health & Safety Code §18938.6.

(a) **Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance**, unless the permittee has abandoned the work authorized by the permit.

(b) A permittee may request an extension of a permit. The building official may grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.