

FIRST REGULAR SESSION

HOUSE BILL NO. 1309

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HEWKIN.

2842H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to the building permit reform act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be
2 known as section 67.488, to read as follows:

**67.488. 1. This section shall be known and may be cited as the "Building Permit
2 Reform Act".**

**3 2. For purposes of this section, the term "exempt homeowner" means a resident,
4 noncorporate owner of a detached, single-family residence.**

**5 3. (1) No political subdivision shall require an exempt homeowner to obtain any
6 license, certification, or professional registration or submit to any examination or testing
7 as a condition of applying for or using a building or construction permit, provided all
8 work is performed by the owner or other current resident.**

**9 (2) If an exempt homeowner transfers ownership of the property within one year
10 of completing any work performed under the provisions of this subsection, the relevant
11 political subdivision is permitted to assess a one-time administrative fee in an amount
12 not to exceed five thousand dollars. The homeowner shall be informed of this potential
13 administrative fee at the time of permit application.**

**14 (3) Nothing in this subsection shall be construed to prohibit the enforcement of
15 any applicable building codes or relevant inspections as otherwise required by
16 ordinance or law.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(4) Nothing in this subsection shall be construed to prohibit an owner from**
18 **hiring a contractor otherwise authorized by law to perform work on behalf of the owner.**

19 **(5) The provisions of this subsection shall not apply to:**

20 **(a) Any structure being rented, leased, subleased, or otherwise occupied outside**
21 **of the owner's principal residence;**

22 **(b) Any gas appliance installation or repair or any work that requires the**
23 **installation or modification of any device or delivery system that utilizes a combustible**
24 **fuel source; or**

25 **(c) The act of making a direct connection to publicly provided water or sewer**
26 **service, or the modification to such existing connections at the point of service.**

27 **4. No political subdivision shall require any permit, license, variance, or other**
28 **type of prior approval for an exempt homeowner to perform any of the following**
29 **activities, provided all work is performed by the owner or other current resident:**

30 **(1) Replacing an existing electric appliance with a substantially similar one,**
31 **provided no major additions or modifications to existing building wiring are performed;**

32 **(2) Replacing an existing sink, faucet, or dishwasher, provided no major**
33 **modifications to existing building plumbing are performed;**

34 **(3) Repairing, replacing, or installing gypsum board, plaster, or any other**
35 **nonstructural interior wall covering or cladding; and**

36 **(4) Repairing, replacing, or installing carpet, tile, vinyl, or other floor coverings.**

37 **5. Any political subdivision that fails to perform an inspection under a permit**
38 **within ten business days of a request made by an exempt homeowner shall refund fifty**
39 **percent of any charges assessed for the permit. If the inspection is not performed within**
40 **twenty business days from the initial request, the political subdivision shall waive the**
41 **inspection requirements and allow the exempt homeowner to proceed as if the exempt**
42 **homeowner had passed the inspection.**

43 **6. No exempt homeowner shall be charged a fee to extend or renew an expiring**
44 **building or construction permit, provided the permit is not allowed to expire prior to**
45 **renewal. No limit shall be placed on the number of extensions or renewals of permits**
46 **issued to exempt homeowners unless the work being performed is visible from**
47 **neighboring properties or adjacent streets. Nothing in this subsection shall be construed**
48 **to prohibit a political subdivision from requiring job sites with uncompleted work to be**
49 **maintained in a state that does not pose an imminent threat to public health or safety.**

50 **7. No exempt homeowner shall be assessed a fine or fee for work done without a**
51 **permit in an amount greater than double the charge that would have been assessed if the**
52 **permit had been issued at the time the unpermitted work was discovered.**

53 **8. No exempt homeowner shall be required to destroy, remove, or substantially**
54 **alter any structure or part of a structure upon which work was previously done without**
55 **permits unless the political subdivision having jurisdiction can demonstrate through**
56 **photographic or similar objective evidence that the work performed did not meet**
57 **applicable building codes or safety standards in place at the time the work was**
58 **performed.**

59 **9. (1) No political subdivision shall issue a stop-work order, citation, penalty, or**
60 **requirement for remediation for any ordinance or building code violation discovered**
61 **during an inspection if the violation found is outside the scope of work that was**
62 **requested to be inspected.**

63 **(2) Nothing in this subsection shall be interpreted to prohibit the production of a**
64 **report detailing such violations found, provided the report is provided directly to the**
65 **homeowner for informational purposes only and is not retained or otherwise utilized or**
66 **distributed by the political subdivision or its agents.**

67 **10. Any exempt homeowner who applies for any building or construction permit**
68 **and subsequently fails an inspection performed pursuant to such permit shall be**
69 **informed in writing as to the reasons the inspection was deemed a failure and the actions**
70 **required to be taken to pass a follow-up inspection.**

71 **11. No exempt homeowner shall be assessed a charge to reinspect previously**
72 **inspected work for an amount that exceeds the cost of the initial permit or inspection**
73 **unless a period of over ninety days has elapsed since the original inspection.**

74 **12. If the state or any of its political subdivisions enacts a statute, ordinance, or**
75 **administrative rule that incorporates by reference any third-party standard or code**
76 **otherwise subject to copyright protection, the state or political subdivision responsible**
77 **for the statute, ordinance, or administrative rule shall provide, upon request and free of**
78 **charge in a digital or physical format, the third-party standard or code incorporated by**
79 **reference. Access to a physical format in a temporary or time-limited manner is**
80 **sufficient to meet the requirements of this subsection provided that a physical copy may**
81 **remain in the possession of the requester until the completion of any currently permitted**
82 **work. The state or political subdivision shall pay all costs associated with providing the**
83 **third-party standard or code, except that the state or political subdivision may**
84 **alternatively declare by executive or administrative act that the provisions of the**
85 **standard or code incorporated by reference shall be repealed and not enforced until**
86 **such repeal is achieved.**

87 **13. Notwithstanding any other provision of law to the contrary, no agent of a**
88 **political subdivision shall have the authority to enter into a private residence for the**
89 **purpose of performing a safety inspection or investigation into municipal or code**

90 **violations without first securing permission from the property owner or the owner's**
91 **designee or a warrant from a court of competent jurisdiction.**

92 **14. Nothing in this section shall be construed to require any political subdivision**
93 **to enact any building codes or standards where none currently exist.**

✓