

SECOND REGULAR SESSION

# HOUSE BILL NO. 1851

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HEWKIN.

5273H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

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

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*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 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 Reform Act".**

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

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

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

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

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