

HB 1851 -- BUILDING PERMIT REFORM ACT

SPONSOR: Hewkin

This bill establishes the "Building Permit Reform Act".

The bill prohibits a political subdivision from requiring an exempt homeowner, as defined in the bill, to obtain any license, certification, or professional registration or be tested as a condition of applying for a building permit if all work is done by the owner or other current resident.

If the property is transferred by the owner within one year of completing any work, the political subdivision can assess the homeowner a one-time administrative fee not to exceed \$5,000. This is not to be construed to prohibit the enforcement of applicable building codes otherwise required by law.

Instances to which these provisions do not apply include any service involving gas or connections to public water or sewer service, as specified in the bill. Certain activities for which the political subdivision cannot require an exempt homeowner to get a permit, license, variance, or other prior approval are specified in the bill.

A permit inspection not made within 10 business days of an exempt homeowner request will result in 50% of the permit charges being refunded. If an inspection is not made within 20 business days, the inspection will be waived and the exempt homeowner can proceed as if the property has passed the inspection.

Provided the permit is not allowed to expire prior to renewal, an exempt homeowner will not be charged a fee to extend or renew a permit, no matter how many times it is renewed, unless the work is visible from the neighboring properties or adjacent streets. A political subdivision can require a job site with uncompleted work to be maintained in a state that does not pose an imminent threat to public health or safety.

No exempt homeowner will be assessed a fine or fee for unpermitted work in an amount greater than double what would have been charged if a permit had been issued at the time it was discovered. No exempt homeowner will be required to undo work that has been done without a permit unless the political subdivision can prove by photographic or similar objective evidence that the work performed did not meet code or safety standards.

Violations found during an inspection that aren't within the scope of work requested to be inspected will not result in a stop-work order, citation, or other penalty.

All exempt homeowners who fail a permit inspection must be informed in writing as to the reasons the inspection failed and the actions necessary to pass a follow-up inspection. If a follow-up inspection happens within 90 days, the charge for the inspection must not exceed the cost of the initial permit or inspection.

For any statute, ordinance, or other administrative rule that incorporates by reference a third-party standard or code subject to copyright protection, the state or other political subdivision enacting the statute must make the third-party standard or code available at no charge. The state or political subdivision will pay all costs associated with making the third-party standards and codes available, except that they can choose to repeal and not enforce any standard or code.

No agent of a political subdivision may enter into a private residence to perform a safety inspection or an inspection into municipal or code violations without the permission of the property owner or a warrant.

This bill is similar to HB 1309 (2025).