



NY Rising Housing Recovery Program

Retroactively Acquiring Building Permits and Certificates of Occupancy/Completion Certification Form

Revised September 15, 2014

The purpose of a building permit is to ensure the construction activity meets the minimum standards for construction practices, codes, and safety standards. A contractor or homeowner who works without a building permit does so with great risk of not only being non-compliant with local code and ordinances, but also with the safety and insurability of their property. Contractors know what construction activities require permits and by performing unpermitted work, they are putting their license at risk of revocation. In addition to the basic code requirements, some municipalities will require compliance with the International Residential Code (IRC). Applying for and receiving a building permit and subsequent Certificate of Occupancy (COO) ensures that all code requirements have been met.

It is ultimately the responsibility of the homeowner to ensure the proper permits have been secured, an inspection has been conducted, and a COO has been received. Most unpermitted work is discovered when there is a problem (fire, injury, etc.) or when the property is sold and changes hands at a closing.

If a homeowner has not applied for a building permit or received a COO after the construction activity has been completed, the following actions must be taken:

1. The homeowner should contact their design professional and seek their guidance on how to rectify the situation with the local building department.
2. If you did not previously do so, you may wish to retain the services of a design professional who works with the jurisdiction on a regular basis, because they will be able to assist with the resolution of a permitting issue.
3. Based on the design professional's guidance, the homeowner should bring their AA/ECR, complete scope of work, contractor's name, and license number to the building department and request a review and issuance of a building permit retroactively.
4. Homeowners can expect to pay the fees for work requiring a permit plus a penalty in accordance with the local jurisdictions ordinance.
5. The building official will decide on the work that requires a permit, assessed fees, and the level of inspections required.
6. The building department may require destructive testing (including opening the wall to view plumbing and wiring), the use of cameras, and other forms of testing to validate the work. Homeowners can expect to pay the cost for these services as well.
7. Once the building official and inspectors are satisfied with the work, a Certificate of Occupancy may be issued after all fees and penalties are paid.

If you are unable to secure a COO, the program has created a "Certification of Completion – Municipality" form that you can ask your local building department to execute, to allow you to close out



your file. A PDF of this form is available on our website at <http://stormrecovery.ny.gov/housing-forms-and-resources>. Your Municipality's Building Department can email certcompletion@recreatenys.org to receive this form as an editable file. The document should be placed on the Municipality Building Department letterhead, completed and signed by the Municipality and returned to your Customer Representative.

If you have not already provided this information to the Municipality, you may also choose to authorize the Program to release your inspection records to them as they will need to know what work is considered essential for Program compliance. The "Limited Release of Construction Documentation" form, which will enable this sharing of information, is also found on the program website.