



Building Permits and Selling Your Home FAQs

Recent amendments have refocused interest in Oregon Revised Statute 105.465 that (among other things) requires anyone selling their home to disclose to prospective buyers if the required building permits and inspections had been obtained for any additions, conversions, or remodeling that had taken place on the home. If the required permits were not obtained, the prospective buyers may consider a different offer on the home. The requirement means, for instance, that if someone added a bathroom without taking out the necessary building permits, the seller is obligated to disclose this to the buyer. Typically, private home inspectors hired by prospective buyers often report these types of additions or alterations, and the sale may become contingent on the seller permitting the construction in question.

The City of Oregon City's Building Division is often contacted about obtaining the necessary permits, and some of the typical questions asked are:

Q What if I have made an alteration to my home without realizing I needed a permit, and I want to correct the situation? Will I be subject to a fine? Do I have to tear the whole project down and start over?

A Penalties can be levied for those who refuse to comply with the law. The Building Division would rather see a building conform to the code than punish a homeowner. If a homeowner discovers they did not obtain a permit when required, they do not necessarily have to tear the project down and start over. If the alteration can meet the applicable codes, it can be approved. Our inspectors won't necessarily approve something they cannot see and may require small sections of wall or roof covering be removed to verify the construction meets the code. There can be no guarantee that no changes may need to be made. If a change is required, it may not be easy to accomplish.

Q If I take out a permit to remodel a home built ten years ago, do I build to the code in effect when the home was originally built?

A No. The new work must be constructed under the codes in effect today.

Q If I remodel my house, do I have to bring the entire home up to the codes in effect today?

A No. Only the new portion being remodeled must meet the current codes unless it creates a hazard for the existing building such as overloading an existing beam.

Q How long does it take to get a permit?

A The length of time varies depending on the complexity of the project. The Building Division has a staff member available Monday through Friday, from 7:30 a.m – 3:30 p.m. to discuss any questions you may have. For more complex projects, it may take several weeks before the approval has been received by all appropriate departments.

Some permits can be handled through the mail or by our counter staff (such as water heater replacement, air conditioners, lawn irrigation backflow prevention devices, simple electrical permits, and wood and pellet stoves).

As further explanation, this means that even if the project was completed five years ago, it would be reviewed under current building codes. While it is not the intention of the City to penalize a homeowner wanting to comply with the regulations, the rules which help protect our citizens cannot be overlooked. To obtain a permit requires plans that illustrate the work that had been performed to be submitted as part of the permit application. This can become a problem if there were never plans and/or the seller can't recall how the work was done. If plans can be produced and approved by the Building Division, the next step would be for the City to inspect the work. Since often the work in question is typically beneath covered surfaces, the inspector would need to have a certain amount of sheetrock or other coverings removed for inspection. For example, plumbing and electrical inspectors must see the rough-in piping and wiring work behind the wall covering, under the floor, or in the attic to determine if the work conforms to the codes. If the work does not comply, it would need to be corrected in order to be approved. As you can tell, it could become a highly frustrating experience for everyone involved.

One way to get off to a good start with a remodel project is to avoid the possibility for problems later when trying to sell a house. A phone call to the City's Building Division (503-722-3789) should be one of the first things on the "to do" list of anyone contemplating a home project. Then when it comes time to sell your home, you will have one thing less to think about.

The City of Oregon City Building Division staff wants to be as helpful as possible so your permitting experience is a positive one. We can be reached Monday through Friday at (503) 722-3789 from 8:30 a.m. – 3:30 p.m. **And remember, permits exist to protect the safety and value of your home.**