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Kathy Nugent
David Lindberg
Gerald O'Neill

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Why homeowners should not obtain the building permit for construction projects

Massachusetts homeowners are allowed to obtain their own building permit for renovations and improvements to their homes. Obtaining your own building permit comes with significant responsibility and risk. Professionals recommend that only homeowners with significant experience and skill renovating homes and up to date knowledge of building codes pull their own permits.

Before you decide to apply for your own building permit be sure you know what will be required to comply with the new Massachusetts building code and all related state and local requirements. Not knowing can cause significant project delays and inconvenience and potentially cost you thousands of dollars to rectify mistakes. For example, if work on a project is halfway done and it is not compliant with structural or energy code you may have to remove the work and replace it to meet the new code.

The Risks of Homeowner - Obtained Permits

Excluded from the Guaranty Fund:

When the homeowner obtains the building permit they are not eligible for the Guaranty Fund established by the Home Improvement Law, M.G.L. c142A. This fund was created to protect homeowners from losses incurred as a result of contractor or sub-contractor work performed in a poor or un-workmanlike manner, or work that is in violation of common law or code. For example if a homeowner obtains the building permit and hires a contractor who abandons the job because he priced it too low, the money lost cannot be recovered from the Guaranty Fund.

Responsible to ensure work meets code:

The Commonwealth of Massachusetts adopted a new building code in October of 2024. The code is based on the 2021 International Residential Code, with Massachusetts amendments. If you are not intimately familiar with these publications and how they impact renovations and home improvements in Massachusetts you may unknowingly expose yourself financially to unwanted risks when obtaining your own building permit.

Contractors you hire must be registered:

Even though a homeowner obtains the building permit, everyone hired to perform construction work, is required to be registered in accordance with the Home Improvement Law (M.G.L. c142A). This includes contractors who perform remodeling, window replacements, siding, insulation, demolition, roofing and masonry work. If the work performed is over \$1,000.00 the contractor is mandated to be registered with The Office of Consumer Affairs and Business Regulation, and provide a contract that includes mandated clauses provided in M.G.L. c142A. For these reasons professional contractors rarely agree to do work for homeowners who pull the building permit.

Note:

Contractors who ask or agree to work without permits for code related work, for cash payments, or who do not provide evidence of insurance should always be avoided.

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