



Permit Center

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How to Legalize Unpermitted Residential Construction

What is “Unpermitted Construction?”

Building projects that have been constructed without a valid Building Permit are known as “Unpermitted Construction.” Note: this does not include nonconforming structures legally established prior to the requirement for a Building Permit.

Why do I need a permit?

- Simply put, It’s the law. Washington State Building Code requires permits be obtained for most types of work. (WAC 51-51, 51-11R, 51-56)
- Permits protect the owner/occupants, the structure, and your financial investment against work that might be substandard.
- Inspections ensure that work is done safely and meets the minimum code requirements. Incorrect installations can result in house fires, flood damage and/or structural problems.
- When selling a property, the buyer, realtor or lender may require that unpermitted work be properly permitted, corrected and inspected before closing. Otherwise, the seller or realtor must disclose that work has been done illegally.
- Unpermitted work may not be covered by homeowners insurance.

What are my options?

When legalizing unpermitted construction, a property owner has two options:

1) You may choose to restore the building to its previous condition, which may require a demolition permit.

OR

2) Start the process of legalizing the unpermitted work. This document will help guide the owner through the process of legalizing unpermitted construction.

How do I legalize unpermitted construction?

STEP 1 – VISIT THE PERMIT CENTER to see if your alteration, addition, construction or repair requires a permit and is allowed within existing land use, building and fire codes. City staff will then work with you to help determine a path of compliance.

Building permit requirements and exemptions can be found herein section 105:

<https://bellingham.municipal.codes/BMC/17.10.020>

Ask Permit Center staff for other relevant land use, fire and public works permit requirements.

STEP 2 – PROVIDE PLANS AND PERMIT APPLICATION(S) for the work to be permitted.

Ask Permit Center staff for any relevant land use, fire and public works permit applications and plan requirements.

Building permit application can be found here:

<https://www.cob.org/Documents/planning/applications-forms/001-building-app.pdf>

Specific building plan requirements can be found here:

<https://www.cob.org/Documents/planning/applications-forms/063-residential-building-app.pdf>

STEP 3 - PLAN REVIEW will be performed by all applicable City Departments. Once permit documents are approved and fees are paid, the permit is ready to issue.

STEP 4 - SCHEDULE INSPECTIONS pertinent to the project. While our goal is to complete required inspections with as little disruption to the building as possible, we must ensure the building meets all current code requirements upon final approval.

An alternative of utilizing a Washington State Licensed Design Professional and Tradespeople in lieu of City Inspectors can be a useful option in some circumstances. The Licensed/Certified Tradesperson will need to provide an inspection and affidavit for the scope of work under their respective disciplines prior to final inspection conducted by the City. Please discuss this option further with City staff when considering.

Inspection types can be found herein section 110: <https://bellingham.municipal.codes/BMC/17.10.020>

Additional Questions You May Have:

What if the Inspector cannot verify a required aspect of the work due to concealing elements? These elements will need to be removed, the selected areas such as backfill, wall surfaces, insulation, cabinets or similar obstructions may be required to be removed or opened in order to confirm any of the following; foundation, framing and components, electrical, plumbing, mechanical and insulation were properly installed. This allows the inspector to verify that all items on the plans match the permitted construction.

What if any of the inspections are not approved? The owner/authorized agent may be required to do corrections and repairs. For example, if the foundation is not constructed to minimum code requirements, it may be required to be completely removed and rebuilt.

What if my project is taking longer than expected, may I request an extension? Permit extensions must be made in writing and approved by the Building Official prior to the permit expiration.

How to restore a building to its previous condition? Building, plumbing, electrical, or demolition permits may be required to remove the unpermitted construction.

For more information, please contact the Permit Center at (360) 778-8300, permits@cob.org or visit the Permit Center located within City Hall at 210 Lottie Street, Bellingham WA 98225