



Planning, Building and  
Code Enforcement

# How to Legalize Unpermitted Work

## HOW TO GET A BUILDING PERMIT

To get a Building Permit to proceed with code correction work, see [How to Get A Building Permit](#) and use the [Building Permit Application](#).

### Permits and Inspections

- Help keep your property safe
- Help assure the quality of your remodeling investment
- Are required by law

The City of San José has required permits for building construction and improvements since 1928. Construction work done without the required permits violates State Building Code and is considered illegally constructed work. Any time you change the structural, electrical, plumbing or mechanical configurations of any part of a home or building, you need a permit and inspection. Certain installations, such as a water heater, also require a permit. For more information on when a permit is or isn't needed, see our bulletin, [Projects that Don't Need a Building Permit](#).

## BEWARE: ISSUES TO CONSIDER FOR WORK CONSTRUCTED WITHOUT A PERMIT

- **Change of ownership does not make unpermitted work legal.** If any work was done illegally in the past, the passage of time or a change in ownership does not absolve the current owner of the responsibility to correct the illegal construction.
- **Insurance may not extend to unpermitted improvements.** Liability insurance typically does not cover the portions of a property that have been improved without a permit (illegally improved).

## HOW TO LEGALIZE UNPERMITTED WORK

Construction work done without permits will need to comply with current zoning, building, and energy codes. The type of improvement will dictate the process to be followed:

Type of Improvement	Process to Follow
Construction covered by finish work	If the project included electrical or plumbing work that is now covered by sheetrock, such as in a bathroom or kitchen, <b>schedule a code enforcement inspection by calling 408-535-7770</b> . The inspector will provide information on the steps needed to legalize the work.
Visible improvements	If all aspects of the project can be easily inspected, then obtain a building permit as if it were a new project. Examples include decks, gazebos, and water heater or furnace replacements. You can save \$40 by obtaining permits for simple projects such as these at <a href="http://www.sjpermits.org">www.sjpermits.org</a> . See also <a href="#">How to Get a Building Permit</a> for more information.

**Is there a penalty fee?** The City of San José has authority to issue a \$1,000 citation for unpermitted work. Property owners who voluntarily seek compliance for unpermitted improvements may avoid a citation. Once the City has identified work as being done without a permit, it enforces corrections and any delays or negligence during the enforcement process *can* result in a citation or administrative remedies. All permit fees and construction costs that are required to bring a property up to code will apply.

**How do I know if a building permit exists?** If you have acquired or inherited a property that lacks building permit documentation, here are tools that can help:

- View the City bulletin:  
[How to Replace Permits, Inspection Records and City-Approved Plans](#)
- Try the online permits search tool at [www.sjpermits.org](http://www.sjpermits.org)
- Try the Code Enforcement search tool:  
[http://www3.sanjoseca.gov/codeEnforcement/cets/form\\_index.asp](http://www3.sanjoseca.gov/codeEnforcement/cets/form_index.asp)
- For annexed properties and properties built before 1946, the County of Santa Clara may have permit records. Call 408-299-5700.

This publication can be made available in alternative formats, such as Braille, large print, audio tape or computer disk. To make a request, call 408-535-7770 (voice) or 408-294-9337 (TTY).

**San José Permit Center**  
San José City Hall  
200 E. Santa Clara St.  
San José, CA 95113  
408-535-3555  
[www.sanjoseca.gov/building](http://www.sanjoseca.gov/building)