

High Risk for Home Improvement Without Permit Approval

Building permits are generally required for any project that will involve construction or substantial electrical, plumbing, or mechanical work in New Jersey. The building permit approval process protects you, your family and your property from safety hazards, personal injuries and property damages. Building permits are issued to licensed contractors for proposed work to your home that the town has deemed to require a formal permit approval process.

If any contractor performs any home improvement work without having first received permit approval, then such contractor has violated not only local law but also the New Jersey Consumer Fraud Act (the "**Act**") N.J.A.C. 13:45A-16.2(a), 10. Many home improvement contractors violate the Act because they begin work on homes (1) prior to receiving permit approval, (2) after being denied a permit, or (3) without having applied for the permit whatsoever. Also, working without a required permit can subject you, the homeowner, to fines and penalties from local government and may leave the project incomplete.

If your home is damaged by a contractor or the work needs to be redone and that contractor did not receive permit approval for the work prior to beginning such work, then you may be entitled to **triple damages** (3 times the amount of cost to repair or redo the work), **plus attorneys' fees** for the lawsuit against the contractor. If your

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home has been damaged, then you just have to prove that the contractor's failure to obtain permits caused the damage. In Cox v. Sears Roebuck & Co., 138 N.J. 2 (1994), the court found that a contractor who agreed to perform home improvement work on a consumer's residence violated the Act by failing to obtain necessary permits, with the result that the contractor was allowed to perform in a substandard manner with no government supervision or inspection.

As stated by the New Jersey Supreme Court in Cox v. Sears Roebuck & Co., "*by beginning work without checking for permits, [Sears] disregarded the regulation and therefore violated the Act. Moreover, once a permit is obtained, a code inspector will inspect the residence periodically and issue a Certificate of Continued Occupancy to conform to the municipality's inspection process. Because no permit was ever issued for the home, no inspections took place and no certificate was issued... Had all applicable permits been obtained before Sears began work, the issued permits would have triggered periodic inspections of the renovations. An inspector would have detected any substandard electrical wiring or cabinet work and would not have permitted the work to progress or have issued the required certificates until Sears corrected the deficiencies. Because the inspections did not occur, the*



wiring remained unsafe, the cabinets remained unattractive and both resulted in a loss measured by the cost of repairing those conditions."

Permits **are** required for (1) new homes, (2) additions to homes, (3) remodeling homes, (4) decks, (5) sheds, (6) tree houses, and (7) detached garages. Permits **may be** required for: (1) new dishwasher, (2) hot water heaters, (3) fireplace, (4) siding, (5) roofing, and (6) fences. Permits are generally **not** required for (1) painting, (2) carpeting, (3) tiling, or (4) wood flooring, unless the subflooring or other structure is modified. Whether a permit is required for any of the foregoing items depends upon the regulations of each township and the size of the project.

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You may be entitled to triple damages plus attorney fees against the contractor for the contractor's failure to obtain required permits prior to starting work on your home.