



NEWSLETTER

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TO PERMIT or NOT TO PERMIT?

HOA and private owners face this dilemma regularly: Is the work required to be permit approved or not? Contractors are quick to answer: NO! This may not be accurate and could lead clients down a slippery path without the necessary approvals. Dr. Khatri is a Structural Engineer for 43 years [licensed in 50 United States] and licensed General Contractor in California. He has worked with property owners for decades and provides the code regulations concerning the legal requirements for permit approvals and consequences of not procuring these approvals.

Skipping the permit approval process could lead owners down a slippery slope with insurance coverage, future insurance claims, and seeking recovery from contractors for poor workmanship. This is an important topic that has not been addressed with a formal program and should be considered for article and seminar topic.



ARE PERMITS REQUIRED?

Permits or not? A topic that arises on every renovation, repair, alteration, or remodel project for every HOA is a looming question that no one likes to answer. A typical contractor response: NO PERMITS REQUIRED. In 95% of cases, this is WRONG information and leads an HOA down a slippery path of liability exposure.

WHAT IS A PERMIT?

A building permit is permission to begin construction – a legal document that provides a permanent construction record to certify a building project met the current building code requirements and, when necessary, conformed to approved plans and specifications. Permits also form a record of completed inspections and final approval. Some minor home improvement projects may not require a permit.

EXEMPT FROM A BUILDING PERMIT

Title 26, Section 106.3, a building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, shade structures and similar uses, provided the gross floor area does not exceed 120 square feet, the height does not exceed 12 feet, and the maximum roof projection does not exceed 24 inches.
2. Fences which are not used as a barrier to a private swimming pools, spas, or hot tubs, and monuments signs, provided that:
 - Masonry or concrete fences do not exceed 6 feet in height and are set back from public ways a distance at least equal to the fence height.
 - Fences constructed of other materials do not exceed 6 feet in height.
 - Monument signs do not exceed 6 feet in height.
3. Tanks not storing hazardous material as defined in the Fire Code provided that:
 - Steel tanks are supported on a foundation not more than 2 feet (610 mm) above grade and the overall height to diameter or width does not exceed 1 1/2 times the diameter.
 - Water tanks, including cisterns and rain barrels, (constructed of materials other than steel), supported directly on grade when the overall height to diameter or width does not exceed 1 1/2 times the diameter, and the capacity does not exceed 5000 gallons (18925 L).
4. Gantry cranes and similar equipment.
5. Retaining walls that retain not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a Class I, II, or III-A liquids.
6. Motion picture, television and theater stage sets and scenery, except when used as a building.
7. Ground mounted radio and television antennae towers which do not exceed 45 feet in height and ground support dish antennas not exceeding 15 feet in height above finished grade in any position.
8. Light standards which do not exceed 30 feet in height.



9. Flagpoles not erected upon a building and not more than 15 feet high.

10. A tree house provided that:

- It does not exceed 64 square feet in area not 8 feet in height from floor to roof.
- The ceiling height as established by door height or plate line does not exceed 6 feet.

11. Canopies or awnings, completely supported by the exterior wall, attached to a Group R-3 or U Occupancy and extending not more than 54 inches from the exterior wall of the building.

12. Sheds, office or storage buildings, and other structures that are less than 1500 square feet and incidental to and work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.

13. A portable metal hanger located on County-owned airports, provided that:

- It is less than 2,000 square feet (185.8 m²) in area;
- It is used exclusively for the parking of aircraft,
- It bears the Department of Motor Vehicles, State of California insignia of approval for movement on any highway,
- It incorporates as an integral part of its basic construction a hitch or coupling device for towing,
- It can accommodate, without further structural change, wheel and axle assemblies to provide a safe means of portability,
- It is equipped with permanent ventilation to prevent the accumulation of combustible gases, and
- It is not provided with water or sanitary facilities.

14. Oil derricks.

15. Decks, walks and driveways not more than 30 inches above grade and not over any basement or story below, and which are not part of an accessible route.

16. Prefabricated swimming pools and other bodies of water accessory to a Group R-3 Occupancy that are less than 18 inches deep, or do not exceed 5,000 gallons and are installed entirely above adjacent grade. *Fences, gates, door alarms, and other protection devices that are accessory to the prefabricated swimming pool are not exempt from permit requirements.

17. Playground equipment not to exceed 12 feet in height accessory to Group R-3 occupancy.

18. One-story detached animal cages and kennels, chicken coops, and animal pens provided the gross floor area does not exceed 400 square feet and the height does not exceed 6 feet and at least one horizontal dimension does not exceed 12 feet.

19. Noncombustible livestock shelters provided that the gross floor area does not exceed 300 square feet, the height does not exceed 12 feet, and at least 3 sides are open.

20. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work where disabled access requirements do not apply.

21. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

UNPERMITTED WORK

Unpermitted work leads to many bad consequences for HOAs and potential legal hassles that will invariably come back to the owners, Board members, and Community Association Managers.

CONSEQUENCES

Here's a partial list of potential impacts:

1. Lose insurance coverage on renewal.
2. Lose escrows that will not close because of insurance coverage and/or lenders that demand a final letter of completion from the Inspector of Record [Architect/Engineer].
3. Legal consequences of construction defect due to inaccurate/deficient work performed.
4. Disclosure requirements demand the release of all reports per SB 326 and recent legislation that requires these reports to be released to buyers, lenders, and insurance carriers. Without permit approvals, there is no documentation the problems were resolved.
5. Impossible to seek restitution from contractors for illegitimate work performed because it's not permit approved so warranties and coverage from their liability carriers will be denied

RESOLVE: GET THE PERMIT APPROVALS

The simple solution: Get the PERMITS and do the project correctly.