

PROJECTS GOING UP WITHOUT PERMITS

SLUGGISH ECONOMY, WAVE OF FORECLOSURES MAY BE TO BLAME FOR INCREASE

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ARNOLD - Drive through the vacation cabin neighborhoods in Arnold right now, and you'll see plenty of contractors' trucks. Many are there rebuilding decks and patching roofs damaged by this winter's crushing snow loads.

Whether the new decks will withstand the next heavy winter, however, is an open question. County building officials and local building industry insiders say many, perhaps most, of the rebuilds are being done illegally without permits.

That means Calaveras County officials won't review the plans to see if the new decks are designed to current standards and won't inspect them to be sure they are properly installed.

It's a widespread problem throughout the region, affecting everything from water heaters in Tracy to big-box store remodeling work in Lodi, say government building officials and building industry insiders.

And it may be getting worse.

"It's commonplace. It happens all the time. It happens more now since the economy kind of died," said Tom Ushing, the deputy director of building inspections for San Joaquin County.

In rural parts of Calaveras and San Joaquin County in the last few years, inspectors have even found entire houses being built without permits. Ushing said his staff had to take action to halt the construction of an unpermitted house in a below-sea-level floodway on a Delta island.

Most unpermitted work, especially in cities and towns, is on a smaller scale.

"What we are finding is that even licensed contractors are doing tenant improvements behind the shell of an existing building and hoping not to be seen or caught," said Kevin Jorgensen, the Chief Building Official in Tracy.

Jorgensen said that his staff issued 50 citations for building without a permit in 2010, up more than 25 percent from the 39 citations issued in 2009. And Jorgensen said that happened even though the staff to handle such cases dropped 25 percent.

It's uncertain whether such increases in enforcement mean the real volume of unpermitted construction is up. Officials and builders alike say it has always happened to some extent. Also, it may be that hard times are bringing more scrutiny to illegal construction.

In Lodi, the Building Industry Association of the Delta, concerned that legitimate, by-the-books contractors were being undercut by rivals who were avoiding the cost of complying with codes, in 2009 asked for more enforcement.

Dennis Canright, chief building official for Lodi, said that among other things the city increased the penalty for being caught building without a permit to nine times the regular permit fee. Previously, the fine was just half the regular fee.

Canright said the rate of complaints about unpermitted construction rose two years ago as people buying bank foreclosed homes were trying to quickly do illicit remodels and then flip the homes.

In part, the increased number of complaints is because contractors are working less and have time to check on rivals they suspect, Canright said.

"I can tell you we are getting more contractors calling in asking if there are permits on particular jobs."

That's no accident, said John Beckman, the chief executive officer for the Building Industry of the Delta.

"From what I hear from contractors and just folks out there in the field, it is increasing," he said of unpermitted construction. "If it is increasing, we would like to see the enforcement increase also to keep that from happening."

Economic hard times aren't the only reason property owners and contractors might like to avoid inspections. Both builders and officials say that new building codes in recent years - things like the so-called "green" building code of 2010 that requires energy efficiency and fire sprinklers in new construction - significantly push up costs.

Similarly, forested towns such as Arnold are impacted by code changes that went into effect in 2008 that require more stringent fire safety for buildings - and decks - built in areas with high risk of wildfire.

By avoiding a permit, property owners may be hoping to build to older, less stringent standards.

"It has caused more and more people to go under the radar and to take a chance of getting a building done without a permit," said Roger Stevenson, president of the Calaveras Builders Association. "The consequences aren't that great if you do get caught."

Whether the consequences are light varies depending on jurisdiction. In Tracy and Lodi, those caught building without permits face immediate citations and fines. In Calaveras County, building officials first contact property owners and ask them to come into compliance voluntarily by submitting plans, paying fees and getting inspections. Only years later, often after multiple hearings before various county bodies, are property owners who don't comply ever fined.

Jeff White, chief building official for Calaveras County, said his staff is handling somewhere between 200 and 300 cases of unpermitted construction.

White said his agency's goal isn't punishment.

"We're not here to give people a bad time. We're here to provide for safe buildings." White said.

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