

WHEN IS A BUILDING PERMIT REQUIRED?

BENEFITS OF PERMITS AND INSPECTIONS

- Ensures construction meets safety codes.
- Meets insurance requirements; insurance generally won't cover damages related to unpermitted work.
- Maintain your value. State law requires that you disclose unpermitted work if selling the property.

DEFINITIONS

Some exemptions apply only to these types of properties:

Group R-3 occupancy -

Includes single-family/duplex properties; certain child and adult care facilities; and congregate living shelters.

Group U occupancy -

Includes buildings that have an accessory character, such as sheds, carports, greenhouses, stables, and other similar non-residential structures.

Development Services Permit Center

San José City Hall
200 E. Santa Clara St.
San José, CA 95113
408-535-3555

www.sanjoseca.gov/building

A. PROJECTS THAT REQUIRE A BUILDING PERMIT

You are legally required to get a building permit or a trade permit (plumbing, electrical or mechanical permit) for projects involving:

- Structural changes such as new construction or the alteration of walls
- New or reconfiguration of plumbing or electrical wiring
- Installation of major appliances
- Change in occupancy or demolition of the building or structure

See also sanjoseca.gov/BuildingBulletins for requirements for specific types of projects.

B. COMMON PROJECTS THAT DON'T REQUIRE A BUILDING PERMIT

See San José Municipal Code [Section 24.02.110](#) for a list of all exempt projects. Exempt projects are primarily surface improvements, minor repairs/replacements, and small structures.

SURFACE IMPROVEMENTS DO NOT NEED A BUILDING PERMIT. Includes:

- Cabinet refacing or replacement
- Countertop replacement
- Floor finishes such as carpet, linoleum, tile, etc.
- Floor sheathing repairs up to 10 square feet
- Painting
- Sheetrock and taping joints (note: fire-rated sheetrock installations do require a permit)
- Tile installations entailing no structural change

OTHER EXEMPTIONS

BUILDING PERMIT EXEMPTIONS

1. **Accessory structures** of 120 square feet or less and that will not be electrically wired. See also [Bulletin #250-Accessory Buildings and Structures](#).
2. **Awnings** in Group R-3 or U occupancies that do not project more than 54 inches and do not require additional support.
3. **Decks** in Group R-3 occupancy that are not attached to a dwelling; do not exceed 200 square feet in area; do not serve a required exit door; and do not exceed 30 inches above adjacent grade at any point.
4. **Driveways and walkways** that do not exceed 30 inches above adjacent grade; do not cross over a basement or story below; and are not part of an ADA accessible route. Repairs or replacements of driveways and sidewalks require a permit; contact the Department of Transportation at (408) 794-1901.
5. **Fences** on single-family/duplex properties do not need a permit if no higher than 7 feet along rear and side yards and no higher than 3 feet along front yard; see requirements at bit.ly/SJ-FencesRetainingWalls for irregular-sized lots and other types of property.
6. **Retaining walls** not over 4 feet in height measured from the bottom of the footing to the top of the wall, and that are not supporting a surcharge or impounding Class I, II, or III-A liquids. See bit.ly/SJ-FencesRetainingWalls for retaining wall requirements.

continued >

HAVE YOUR LICENSED CONTRACTOR PULL THE PERMIT

Whoever pulls the permit bears the liability for the work.

VIEW OUR PERMIT SERVICES

www.sanjoseca.gov/BuildingPermitServices

For questions about building codes, email:

InfoInspector@sanjoseca.gov

We'll answer your questions about permits.

[Contestaremos sus preguntas referente a permisos en Español.](#)

[Chúng tôi sẽ trả lời thắc mắc về giấy phép của quý vị bằng tiếng Việt.](#)

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7. **Roof repairs** or replacements that are less than 25% of existing roof; do not involve the underlying framing; and occur no more than once in a 12-month period. If 25% or more of the roof is being replaced/repaired, a building permit is required.
8. **Stage sets**, including electrical wiring, that are temporary for film or theatre productions.
9. **Swimming pools** that are prefabricated, above-ground, less than 24 inches deep, and hold a maximum of 5,000 gallons and used only at a single-family property. Note: The filling of swimming pools is subject to any emergency drought restrictions issued by the City or State.
10. **Swings and play structures** that are accessory on single-family/duplex properties.

PLUMBING PERMIT EXEMPTIONS

11. **Drain, faucet, toilet, or leak repairs**; clearing of stoppages; or minor parts replacement. If a concealed trap, drainpipe, or vent pipe becomes necessary to replace, this shall be treated as new work and a plumbing permit is required.
12. **Electrical replacements** of outlets, switches in existing boxes, circuit breakers, or fuses (get a permit to replace a main disconnect)
13. **Electrical wiring removal**
14. **Low flush toilet installation** of 1.28 gallons per flush toilets when done as part of a city water conservation retrofit incentive program. Must replace a standard water use (5-7 gpf) toilet in the existing roughed-in plumbing. Does not apply to new installations in new construction or remodeling projects. Replacements on commercial properties must be made by a licensed plumbing contractor and must comply with current accessibility requirements. Existing accessibility features may not be removed or diminished.
15. **Window replacements** that do not involve any kind of alteration to the framing, flashing, or exterior wall. See also [Bulletin #297-Window Replacement Requirements](#).

ELECTRICAL PERMIT EXEMPTIONS

16. **Electrical wiring**, devices, appliances, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, except in classified hazardous locations.
17. **Low-energy power, control and signal circuits of Class II and Class III** as defined in the Electrical Code.
18. **Removal** of electrical wiring.
19. **Repair or replacement of current-carrying parts** of any switch, conductor, or control device.
20. **Temporary wiring** in experimental laboratories and temporary wiring for stage sets.

MECHANICAL PERMIT EXEMPTIONS

21. **Appliance repairs** that do not alter the appliance's original approval and listing
22. **Closed systems** of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.
23. **Portable heating, cooling, and ventilating appliances or equipment.**

Please refer to San José Municipal Code [Section 24.02.110](#) for more details and a list of all exempt projects.

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