

## Expired Building Permit Policy

The City of Montgomery, to the best of my memory, has had very few Building Permits that expire with no work started.

### **[2024 International Building Code] 105.5 Expiration.**

*Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.*

Cities charge a fee to extend building permits in Texas, as part of a cost recovery mechanism, to cover the administrative and inspection costs associated with processing the permit extension, ensuring compliance with regulations, and potentially funding public services. Many cities charge the full permit fee to re-open or extend an expired permit providing there are no changes to the approved documents.

Here's a more detailed explanation:

- **Cost Recovery:**

Building permit fees, including those for extensions, are designed to cover the costs the city incurs when processing and inspecting building projects. This includes the time and resources required for plan reviews, inspections, and administrative tasks.

- **Ensuring Compliance:**

Extending a permit requires the city to re-evaluate the project's compliance with current building codes and regulations, which necessitates additional review and inspection processes.

- **Funding Public Services and Infrastructure:**

In some cases, building permit fees, including those for extensions, can be used to fund public services and infrastructure projects that benefit the community.

- **Texas Local Government Code:**

Texas law allows cities to charge fees to cover the costs of providing services, including those related to building permits and extensions.

(Generative AI is experimental. For legal advice, consult a professional.)

Obviously, if any of the documents are changed, a Plan Review Fee would also be assessed. Once a permit is issued, it is the permit holder's responsibility to begin the approved work. As policy, if a permit holder allows the permit to expire, a fee based on the original Building Permit Fee would need be submitted, and an inspection would be performed to confirm that no work had commenced. A permit holder could request an appeal through the Board of Appeals or City Council for a policy variance.

Respectfully submitted,

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