



Building Code Compliance for Real Estate Professionals

Marion County Building Department

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BUILDING CODE COMPLIANCE FOR REAL ESTATE PROFESSIONALS

What is Building Code Compliance?

- Building Code Compliance is the verification that a construction project meets the minimum standards established in an adopted building code



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The Value of Building Codes

- Safety for Occupants
- Durability
- Impact on Insurance Rates
- Shelter from Natural Disasters



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When is Building Code Compliance Applied?

- Building codes are applied to projects during construction
- Building code compliance began in Marion County in the early fifties



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The History of Building Codes

- Hammurabi- Babylon 2000 BC
- Burning of Rome- 64 AD
- Great Fire of London- 1666
- The Chicago Fire-1871
- Standards Established 1900

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- Standard Building Codes
Developed by Southern Building Code Congress International (SBCCI)- 1950
- Code updated every 3 years
- Mandated Statewide 1970



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Today's Building Codes

- Florida Building Code 2001(2002)
- Florida Building Code 2004(2005)
- Florida Building Code 2007(2008)



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Benefits of Building Codes

- Structural- Strength and Durability
Weatherproof
- Plumbing- Sanitation
- Electrical- Shock & Fire Safety
- Mechanical- Air Quality / Energy
- Accessibility



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Building Code Compliance Is Achieved Through Enforcement

- Permitting
- Plan Review
- Inspection



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Components of Compliance

- Compliant Design
- Obtain a Building Permit
- Compliant Construction
- Progress and Final Inspection
- Certificate of Occupancy / Completion

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Building Code Compliance Adds Real Value to Real Property



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FOR REAL ESTATE PROFESSIONALS**

**Building Code Compliance
Leaves a Trail**



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Code Compliance Records

- Permit
- Plans
- Inspections
- Certificate of Occupancy



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Record Retention

- Residential – 15 Years
- Commercial – Life of the Building



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Statutory References

- Ss.553- Florida Building Code
- Ss.489- Construction Contracting
- Ss.471- Engineering
- Ss.481- Architecture
- Ss.468- Code Administration
- Ss.713- Construction Liens

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When is a Building Permit Required?

- 101.2 Scope.

The provisions of this code shall apply to the **construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition** of every building or structure or any appurtenances connected or attached to such buildings or structures.

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What Projects are Exempt from Building Code Compliance?

- Nonresidential farm buildings on farms
- Building and structures specifically regulated and preempted by the federal government
- Temporary buildings or sheds used exclusively for construction purposes



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- Those structures or facilities of electric utilities
- Temporary sets, assemblies, or structures used in commercial motion picture or television production
- Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida



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Who is Responsible for Obtaining the Building Permit?

- Owner
- Owner's agent



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Who can be the Owner's Agent When Applying for a Building Permit?

- Another owner
- Contractor
- Real Estate Broker or Associate



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What Information is Required to get a Building Permit?

- Permit Application
- Site Plan
- Project Documentation
- Contractor Information
- Owner Information



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What is an Owner/Builder Exemption?

- A stipulation in Florida Contracting Law ss.489 that allows an owner to act as their own contractor for any residential project or small commercial projects



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What are the Consequences of not Getting a Building Permit?

- Un-permitted Improvements could be ordered removed



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How Does Building Code Compliance Affect a Real Estate Transaction?

- All improvements must be properly permitted
- Un-permitted Improvements could be ordered removed



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- **Seller** must disclose potential defects
 1. Could give purchaser leverage to reduce price
 2. Could cost seller to establish proof of compliance



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- **Appraiser** must not value improvements that were not legally constructed
 1. Un-permitted Improvements could be ordered removed



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- **Insurance** rates are often adjusted to take into account code compliant construction
- **Mortgage Lender** has better collateral when building code compliance is verified



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- **Title Companies** Increase Their Exposure to Claims When Building Code Compliance is Not Verified



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How Can Real Estate Professionals Protect Their Transaction?

- Research Building Permits



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How to Research Building Permit Information

- Search MCBBD Records on Department Website
www.marioncountyfl.org/building.htm
- Search MC Property Appraiser Website
www.pa.marion.fl.us

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Question & Answer



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Thank You

