



City of Houston  
Building Inspection  
**CODE WORD 2015**

INTERPRETATIONS AND APPLICATIONS OF  
THE HOUSTON CONSTRUCTION CODE

2015 IBC, 2015 IEBC, 2015 IRC, 2015 IFC, 2020 NEC, 2015 UMC, 2015 UPC,  
2015 IECC, and ASHRAE 90.1-2013

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| <b>PUBLICATION:</b> | <b>January 24, 2022</b>                               |              |          |           |          |
| <b>SUBJECT:</b>     | <b>Building Permits and Applicable Code of Record</b> |              |          |           |          |
| <b>CODE(S):</b>     | <b>2015 Houston Construction Code</b>                 |              |          |           |          |
| <b>SECTION(S)</b>   | <b>[A]105 Permits</b>                                 |              |          |           |          |

This Code Word interpretation is intended to assist with the identification of the correct edition of the *Houston Construction Code* for the design and construction of buildings or structures submitted for building permit(s) based on city practice and the provisions of Chapter 245 of the Texas Local Government Code.

The City of Houston (the "City") recognizes that certain provisions of Chapter 245 of the Texas Local Government Code allow the use of the City's adopted codes in effect at the time the City receives the original (first) application for a permit for any purpose, such as administrative completeness, a plan for development of real property, or a plat application filed with the City for development of properties for a specific use or occupancy. The original application date locks in the construction codes in effect on that date for a five-year window for the series of permits related to the original application which are required to complete the project. A project is considered complete when a project final or Certificate of Occupancy is issued by the city.

Where any series of permits is required to complete the building or structure, every subsequent building permit required in that series necessary to complete the project may be based on the version of the City's *Construction Code* in effect on the date associated with the original (first) application received for the intended project. Where any such permit is suspended or abandoned for a period of two years, the permit shall expire. To resume work associated with an expired permit, the permit holder shall re-apply for the permit(s) for the project and pay the full permit fee(s) applicable for any previously uninspected portions of the original scope of work. As long as the project resumes within the five-year period prescribed by Section 245.005 of the Texas Local Government Code, the version of the City's *Construction Code* in effect on the date of the expired permit may still apply to the project.

Related Houston Building Code sections:

[A] 105.3.2 Time limitation of application. An application for which no permit is issued within 180 days following the date of application shall become inactive, and plans and other data submitted for review thereafter shall be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional periods not to exceed 180 days each, for a maximum of two years from the date of the original application, upon written request and justifiable cause demonstrated by the applicant. If an application for permit does not result in a permit within two years after the date of original application, the permit application shall expire. In order to renew action on an application after expiration, the applicant shall submit a new permit application and plans and shall pay a new plan review fee.

[A] 105.5 Expiration. Every permit issued shall become inactive on the 180<sup>th</sup> day after its issuance unless the work authorized by such permit has commenced and been inspected by a city inspector 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 date the work was 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.

If work has not commenced under a permit within two years after the date of issuance or is suspended or abandoned at any time for a period of two years, the permit shall expire. In order to recommence work associated with an expired permit, the permit holder shall re-permit the project and pay the full permit fee applicable for any previously uninspected portions of the original scope of work. Where the original plans with building official approval are not available for completion of field inspections, a lost plan recheck shall be submitted for building official approval. Appropriate plan review fees shall apply.

Exception: For the purpose of issuing a certificate of occupancy or a certificate of compliance, the building official may, upon request, reactivate a permit and perform a final inspection of work.

Continued...

Approved:

Christon K. Butler  
Acting Houston Building Official





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**LOCAL GOVERNMENT CODE**

**TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES**

**SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF LOCAL  
GOVERNMENT**

**CHAPTER 245. ISSUANCE OF LOCAL PERMITS**

**Sec. 245.001. DEFINITIONS.** In this chapter:

(1) **"Permit"** means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

(2) **"Political subdivision"** means a political subdivision of the state, including a county, a school district, or a municipality.

(3) **"Project"** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

(4) **"Regulatory agency"** means the governing body of, or a bureau, department, division, board, commission, or other agency of, a political subdivision acting in its capacity of processing, approving, or issuing a permit.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 6 (S.B. [848](#)), Sec. 1, eff. April 27, 2005.

**Sec. 245.002. UNIFORMITY OF REQUIREMENTS.** (a) Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time:

(1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or

(2) a plan for development of real property or plat application is filed with a regulatory agency.

(a-1) Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

(b) If a series of permits is required for a project, the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the first permit in that series is filed shall be the sole basis for consideration of all subsequent permits required for the completion of the project. All permits required for the project are considered to be a single series of permits. Preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project.

(c) After an application for a project is filed, a regulatory agency may not shorten the duration of any permit required for the project.

(d) Notwithstanding any provision of this chapter to the contrary, a permit holder may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed, written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and





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(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

(f) This chapter does not prohibit a regulatory agency from requiring compliance with technical requirements relating to the form and content of an application in effect at the time the application was filed even though the application is filed after the date an applicant accrues rights under Subsection (a-1).

(g) Notwithstanding Section 245.003, the change in law made to Subsection (a) and the addition of Subsections (a-1), (e), and (f) by S.B. No. 848, Acts of the 79th Legislature, Regular Session, 2005, apply only to a project commenced on or after the effective date of that Act.

**Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.**

**Amended by:**

**Acts 2005, 79th Leg., Ch. 6 (S.B. 848), Sec. 2, eff. April 27, 2005.**

**Sec. 245.003. APPLICABILITY OF CHAPTER.** This chapter applies only to a project in progress on or commenced after September 1, 1997. For purposes of this chapter a project was in progress on September 1, 1997, if:

(1) before September 1, 1997:

(A) a regulatory agency approved or issued one or more permits for the project; or

(B) an application for a permit for the project was filed with a regulatory agency; and

(2) on or after September 1, 1997, a regulatory agency enacts, enforces, or otherwise imposes:

(A) an order, regulation, ordinance, or rule that in effect retroactively changes the duration of a permit for the project;

(B) a deadline for obtaining a permit required to continue or complete the project that was not enforced or did not apply to the project before September 1, 1997; or

(C) any requirement for the project that was not applicable to or enforced on the project before September 1, 1997.

**Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.**

**Sec. 245.004. EXEMPTIONS.** This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) municipal zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;

(3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, or building size;

(4) regulations for sexually oriented businesses;

(5) municipal or county ordinances, rules, regulations, or other requirements affecting colonias;

(6) fees imposed in conjunction with development permits;

(7) regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;

(8) regulations for utility connections;

(9) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

(10) construction standards for public works located on public lands or easements; or

(11) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:

(A) affect landscaping or tree preservation, open space or park dedication, lot size, lot





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dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or

(B) change development permitted by a restrictive covenant required by a municipality.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999. Amended by Acts 2003, 78th Leg., ch. 646, Sec. 1.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. [574](#)), Sec. 1, eff. September 1, 2005.

**Sec. 245.005. DORMANT PROJECTS.** (a) After the first anniversary of the effective date of this chapter, a regulatory agency may enact an ordinance, rule, or regulation that places an expiration date on a permit if as of the first anniversary of the effective date of this chapter: (i) the permit does not have an expiration date; and (ii) no progress has been made towards completion of the project. Any ordinance, rule, or regulation enacted pursuant to this subsection shall place an expiration date of no earlier than the fifth anniversary of the effective date of this chapter.

(b) A regulatory agency may enact an ordinance, rule, or regulation that places an expiration date of not less than two years on an individual permit if no progress has been made towards completion of the project. Notwithstanding any other provision of this chapter, any ordinance, rule, or regulation enacted pursuant to this section shall place an expiration date on a project of no earlier than the fifth anniversary of the date the first permit application was filed for the project if no progress has been made towards completion of the project. Nothing in this subsection shall be deemed to affect the timing of a permit issued solely under the authority of Chapter 366, Health and Safety Code, by the Texas Commission on Environmental Quality or its authorized agent.

(c) Progress towards completion of the project shall include any one of the following:

- (1) an application for a final plat or plan is submitted to a regulatory agency;
- (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. [574](#)), Sec. 1, eff. September 1, 2005.

**Sec. 245.006. ENFORCEMENT OF CHAPTER.** (a) This chapter may be enforced only through mandamus or declaratory or injunctive relief.

(b) A political subdivision's immunity from suit is waived in regard to an action under this chapter.

(c) A court may award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under this chapter.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 31 (S.B. [574](#)), Sec. 1, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 264 (H.B. [1704](#)), Sec. 1, eff. May 29, 2017.

**Sec. 245.007. CONSTRUCTION AND RENOVATION WORK ON COUNTY-OWNED BUILDINGS AND FACILITIES IN CERTAIN COUNTIES.** (a) This section applies only to a building or facility that is owned by a county with a population of 3.3 million or more and is located within the boundaries of another political subdivision.

(b) A political subdivision may not require a county to notify the political subdivision or obtain a building permit for any new construction or any renovation of a building or facility owned by the county if the construction or renovation work is supervised and inspected by an engineer or architect licensed in this state.

(c) This section does not exempt a county from complying with the building standards of the political subdivision during the construction or renovation of the building or facility.

Added by Acts 2005, 79th Leg., Ch. 532 (H.B. [960](#)), Sec. 1, eff. June 17, 2005.