



Does unpermitted space count as heated square footage?

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QUESTION: I recently took a listing where the seller added a bedroom by finishing an above-garage attic, but he did not get a permit for the work. I'm filling out the MLS sheet, and I paused when I reached the portion asking for heated square footage. May I include the unpermitted bedroom in the overall heated square footage calculation of the home?

ANSWER: Yes, so long as it is identified separately. The NC Real Estate Commission defines "heated square footage" as space that is intended for human habitation and is: (1) heated by a permanently installed (not portable) conventional heating system sufficient to heat the space year-round; (2) finished with ceilings at least seven feet high and materials acceptable for interior construction; and (3) directly accessible and connected to other living area. The [Residential Square Footage Guidelines](#) (the "Guidelines"), which is published by the Commission, gives additional detail about what can, or cannot, be heated square footage using these three criteria.

Under the Guidelines, attic spaces, finished basements, and other similar finished spaces can be counted in the overall heated square footage so long as full disclosure is made about where such heated square footage is located. For example, if the heated square footage is a finished basement, a listing agent must disclose that the footage is below grade.

However, even if finished space meets the above criteria, the Guidelines provide some additional limitations. One of those limitations is that the "square footage of unpermitted additions or improvements *must be separately identified* when making representations concerning square footage and brokers must inform prospective purchasers that there is no permit for the addition." (Emphasis added). This means that you can advertise the unpermitted bedroom as heated square footage, but it must be advertised and identified separately from the other heated square footage in the home.

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