

IEBC \_\_\_\_\_

**Section 110.5 (New), 110.6 (New)**

**Proposed Change as Submitted**

Proponent:

Revise as follows:

**SECTION 110  
CERTIFICATE OF OCCUPANCY**

**[A] 110.1 Altered area use and occupancy classification change.** Altered areas of a building and relocated buildings shall not be used or occupied, and change in the existing use or occupancy classification of a building or portion thereof shall not be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**[A] 110.2 Certificate issued.** After the *code official* inspects the building and does not find violations of the provisions of this code or other laws that are enforced by the Department of Building Safety, the *code official* shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *code official*.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the *International Building Code*.
9. The type of construction as defined in the *International Building Code*.
10. The design occupant load and any impact the *alteration* has on the design occupant load of the area not within the scope of the work.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the building permit.

**[A] 110.3 Temporary occupancy.** The *code official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit,

provided that such portion or portions shall be occupied safely. The *code official* shall set a time period during which the temporary certificate of occupancy is valid.

**[A] 110.4 Revocation.** The *code official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**(NEW) 110.5 Reissuance or reinstatement of certificate of occupancy.** When a certificate of occupancy has been revoked or suspended, it shall be reissued or reinstated upon correction of the specific condition or conditions cited as the cause of the revocation or suspension and the revocation or suspension of a certificate of occupancy shall not be used as justification for requiring a building or structure to be subject to a later edition of the code than that under which such building or structure was initially constructed.

**(NEW. Option 1) 110.6 Issuance of certificate for pre-USBC buildings or structures.** When a building or structure was constructed prior to being subject to a duly adopted building code in the locality and the Department of Building Safety does not have a certificate of occupancy for the building or structure, the owner or owner's agent may submit a written request for a certificate of occupancy to be created. The *code official*, after receipt of the request, shall issue a certificate of occupancy provided a determination is made that there are no current violations of the International Maintenance Code or the International Fire Code and the occupancy classification of the building or structure has not changed. Such buildings and structures shall not be prevented from continued use.

**Exception:** When no certificate of occupancy exists, but the Department of Building Safety has records indicating that a certificate of occupancy did exist, then the *code official* may either verify in writing that a certificate did exist or issue a certificate based upon the records.

**10/28/14 notes:** Consider revising the sentence that tells the CO to issue a c of o. Put qualifiers first, then have the CO issue the C of O based on compliance. Revised section titles to be for generic codes adopted locally. Consensus of the group was to move forward with work on Option 2 and stop work on Option 1.

**(NEW, Option 2) 110.6 Issuance of certificate for pre-USBC buildings or structures.** When a building or structure was constructed prior to (date to be inserted), and the Department of Building Safety does not have a certificate of occupancy for the building or structure, the owner or owner's agent may submit a written request for a certificate of occupancy to be created. The *code official*, after receipt of the request, shall issue a certificate of occupancy provided a determination is made that there are no current violations of the *International Property Maintenance Code* or the retroactive and maintenance provisions of the *International Fire Code* and the occupancy classification of the building or structure has not changed. Such buildings and structures shall not be prevented from continued use, where not determined unsafe.

**Exception:** When no certificate of occupancy exists, but the Department of Building Safety has records indicating that a certificate of occupancy did exist, then the *code official* may either verify in writing that a certificate did exist or issue a certificate based upon the records.

**Cost Impact:** This code change proposal will not increase the cost of construction.

**Commenter's Reason:**

As part of a review of the 2015 IEBC, it was found that there is no direction provided in the code regarding two issues related to certificates of occupancy. The first was the process to restore or reissue a certificate of occupancy that the code official revokes or suspends. The new section 110.5 states that when the conditions are abated that caused the revocation or suspension, the certificate of occupancy shall be reinstated. It also clearly states that the building only needs to comply with the provisions in place at the time of construction and does not have to meet requirements for a newer code.

New Section 110.6 establishes procedures for issuing a certificate of occupancy to a building or structure that never received one. This can be found when buildings were constructed before a code was adopted or when a local building code did not address certificates of occupancy. The provision states that as long as it is being used as originally intended, a certificate can be created as long as there are no violations of the International Maintenance Code and the International Fire Code..

The exception recognizes that there may be situations where records indicate that there was a certificate of occupancy, but a physical document does not exist.