

DEPARTMENT OF LICENSES AND INSPECTIONS <b>CODE BULLETIN OF INFORMATION</b> <b>No. A-9701 R1</b>		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 4 — BUILDING CONSTRUCTION AND OCCUPANCY CODE
SUBJECT OF BULLETIN:  CONVERSION OF RESIDENTIAL USE TO NON-RESIDENTIAL USE;  VACATING OF RESIDENTIAL USE		REFERENCE CODE SECTION(S):  A-105.1, A-701.0 B-3401.2 F-311.2.2 PM-605.1
ISSUED BY		ISSUE DATE
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TITLES: Director of Planning and Code Development, Dept. of Licenses and Inspections Battalion Chief, Fire Code Unit, Fire Department		PAGE 1 OF 1

**ISSUE:**

The older building stock in the City is the subject of frequent changes in use due to the changing patterns of lifestyle and economic viability of properties. One such change that confronts several operating units is the conversion of residential uses such as apartments and rooming units to non-residential use, particularly when such uses are located above commercial uses. In other instances, the residential uses are simply abandoned for some indefinite time frame. In both cases, the owner is seeking relief from the code requirements applicable to and/or because of the residential spaces, in particular as it regards the maintenance of fire protection systems referenced in Sections A-105.1, F-311.2.2 and PM-605.1 of the *Philadelphia Building Construction and Occupancy Code*.

**DIRECTION:**

This Code Bulletin is issued to provide a consistent policy for the operating units to apply in the above cases.

- **Conversion from a residential use to a non-residential use.** — In this case, the owner should apply for a Certificate of Occupancy for the portion of the building that is changed from a residential to a non-residential use. This includes the use of upper floors as accessory storage or office space for the commercial use(s) below. The normal Certificate of Occupancy procedures of Sections A-701.0 and B-3401.2 should be followed.

Under this procedure, the fire protection systems that are required because of, or by the residential use (including those in a non-residential use which were installed because of the residential use), are permitted to be removed without a variance from the Board of Safety and Fire Prevention as provided in the exception to Section A-105.1.

- **Abandonment of the residential space.** — In this case, the standard Affidavit of Restricted Use should be filed by the owner for the portion of the building that will not be used. All rules of the affidavit apply, such as physical barricades and the building permit required to erect them. In addition, gas service to any appliances in the abandoned space is required to be disconnected and **capped off**.

With the filing of the affidavit, the fire protection systems that are required because of, or by the residential use (including those in a non-residential use which were installed because of the residential use), are permitted to be removed without a variance from the Board of Safety and Fire Prevention. This procedure is deemed to satisfy the provisions of the exception to Section A-105.1.

