

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. A-1301		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 4 — Building Construction and Occupancy Code
SUBJECT OF BULLETIN: CERTIFICATES OF OCCUPANCY FOR EXISTING “UNCERTIFIED BUILDINGS”		REFERENCE CODE SECTION(S): A-701 PA Act 45 (UCC)
ISSUED BY		
NAME: Michael E. Fink	ISSUE DATE February 20, 2013	
TITLE: UCC Building Code Official	PAGE 1 OF 3	

BACKGROUND

The Pennsylvania Uniform Construction Code (UCC) requires the issuance of a Certificate of Occupancy upon completion of construction of a structure. The UCC was revised to also require that “uncertified buildings” obtain a Certificate of Occupancy. An “uncertified building” is defined as an existing building which was constructed prior to adoption of the UCC which was not approved for use and occupancy by a municipality enforcing a building code. (The term does not include one- or two-family residential buildings.) The UCC authorizes municipalities to issue Certificates of Occupancy to uncertified buildings using the International Existing Building Code (IEBC) or International Building Code (IBC).

The City of Philadelphia has enforced a building code since at least 1855. The Board of Building Inspectors was created through an Act of Assembly approved on May 7, 1855 providing for the appointment by the judges of the Court of Common Pleas of two "suitable persons of experience and skill" to be inspectors of buildings. In the enabling ordinance of December 30, 1886, the Board of Building Inspectors was placed into the Department of Public Safety. An Act approved on May 5, 1899 mandated the establishment of a Bureau of Building Inspection to replace the former Board of Building Inspectors. Upon the passage of the Philadelphia Home Rule Charter and the subsequent dismemberment of the Department of Public Safety, the functions of the Bureau of Building Inspection were moved into the newly-created Department of Licenses & Inspections.

Certificates of Occupancy (then referred to as Statements of Occupancy) were not required until a revision of the Philadelphia Building Code became effective on June 30, 1969. That code, and subsequent codes, including the Administrative Code of 2004, only required that Certificates of Occupancy be issued or required in the following cases:

1. Erection of a new building;
2. Erection of an addition to a building;
3. Change from one Occupancy Group to another.

Exception: A Certificate of Occupancy for change in non-residential Occupancy Group shall not be required under the following conditions:

1. The gross building floor area does not exceed 2,000 square feet per floor; and
2. The part of the building changed requires no substantial increase in live loads; and
3. The part of the building changed requires no increase in occupant load, or the occupant load for the new use does not exceed 100 persons.

These facts reveal that there are many buildings and spaces in Philadelphia that are approved for use and occupancy, but Certificates of Occupancy were not issued for these buildings and spaces.

POLICY

The Department of Licenses and Inspections will not require a Certificate of Occupancy for existing buildings containing only a one- or two-family dwelling.

In light of the change in the UCC, the Department of Licenses and Inspections no longer processes requests for “Certificate of Occupancy Not Required” memorandums for existing buildings as it did in the past. The Department will issue a Certificate of Occupancy to the owner of a property for an existing building that was previously approved for use and occupancy using the criteria and methods described in this Bulletin.

I. Applications for Certificates of Occupancy with no alteration work proposed

Applications for a Certificate of Occupancy with no work proposed require determination of an existing approval for use and occupancy of the building or space. This is done by a review of the Department’s building and zoning permit records.

A review of records will determine if the use of the existing building:

1. Remains as originally approved. These applications are to be considered a “**change of occupancy** without a change in occupancy classification” per the International Existing Building Code (IEBC); or
2. Has been changed without a Certificate of Occupancy. These applications are to be considered a “**change of occupancy classification**” per the International Existing Building Code (IEBC).

A. Change of Occupancy

Where there is no change in the occupancy classification and the building is existing, our primary responsibility is to confirm compliance with the Philadelphia Fire and Property Maintenance Codes by applying the IEBC Sections below as follows:

- Section 904 – The examiner must confirm and state in the permit record any fire protection systems required for the occupancy by the Philadelphia Fire Code. The inspector will confirm that systems are in place and certified within the past year before issuing the CO.
- Section 905 - Assembly occupancies for 50 or more people will require a plan review for updated Lawful Occupancy (LO) signs. The inspector will confirm existing means of egress are adequate, per the Philadelphia Fire Code, and unobstructed prior to issuance of the CO (and LO where required).
- Section 907 – The existing building will be considered structurally sound unless there is a Property Maintenance Code violation on file regarding structural deficiencies (unsafe or imminently dangerous). The inspector will confirm that the structure is safe prior to issuance of the CO.
- Section 908 –The inspector will perform a Property Maintenance Code inspection upon issuance of the CO.
- Section 911 – Inspector will confirm adequate lighting and ventilation through a Property Maintenance Code inspection.

B. Change of Occupancy Classification

Changes in occupancy classification require a plan review based upon Sections 902 through 912 of IEBC or Chapter 34 of IBC. Examiners and inspectors may utilize the criteria established above for changes in occupancy when applying Sections 902 through 911, as applicable.

II. Building permit applications for alterations to existing buildings (other than one- or two-family dwellings)

To facilitate the recording of Certificates of Occupancy for all existing buildings in Philadelphia, a Certificate of Occupancy will accompany (or follow as a separate permit) all building permits issued for alterations to the interior space of an existing building where a plan review is performed, regardless if there is a change in the occupancy classification, when the altered area is 2000 sq. ft or more. This does not include alterations to building systems or alterations related to the exterior of the existing building.

III. Required information on Certificates of Occupancy

Based upon the UCC, the Department will issue Certificates of Occupancy with the following information:

1. The permit number and address of the building, structure or facility.
2. The permit holder's name and address. Philadelphia considers the owner of the premises as the permit holder
3. A description of the portion of the building, structure or facility covered by the occupancy permit where applicable.
4. The name of the building code official who issued the occupancy permit.
5. The construction code edition applicable to the occupancy permit.
6. The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.
7. The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.
8. Special stipulations and conditions relating to the permit and board of appeals' decisions and variances.
9. The date of the final inspection.

Certificates of Occupancy issued prior to 2004 were not required to have the information above.

IV. Revised Certificates of Occupancy

Once issued, a Certificate of Occupancy for a building or space remains valid for that building or space until such time as there is an alteration of the structure or a change in use of the building or space which results in a new occupancy classification under Chapter 3 of the International Building Code. There is no requirement that a new Certificate of Occupancy be issued because the owner or tenant utilizing the building or space has changed. The Certificate of Occupancy applies to the building, not to the owners or tenants who utilize the building.

The Department will only issue a new Certificate of Occupancy for an existing building upon application if:

1. There is no Certificate of Occupancy on file for the building or space; or
2. There has been an alteration of the structure; or
3. The use of the building or structure has changed to a new occupancy classification.

Copies of existing, valid Certificates of Occupancy may be provided at no charge to the owner or any tenants requesting a Certificate of Occupancy for an existing building or space.