



# Pittsburgh Department of City Planning

## OCCUPANCY HISTORY REPORT

### WHAT IS THE OCCUPANCY HISTORY REPORT?

The Occupancy History Report is needed when a property owner or applicant asserts that a legal use exists where there is no valid Certificate of Occupancy. This report collects evidence to determine if a property that does not meet current Zoning Code requirements can be certified as a continued use.

### WHAT ARE THE CRITERIA FOR DETERMINING A CONTINUED USE?

In 1958, the Zoning Code was amended to require a Certificate of Occupancy for any use/structure. A continued use must have been established on the property prior to 1958 and continually used in that way since that time.

For example: a property built as a Two Family Dwelling in 1946 that continually maintained a two unit use is a continued use. On the other hand, a property used as a Two Family Dwelling in 1950 that was converted to a Single Family Dwelling in 1975 and converted back to Two Family in 2002 without the required permits is **not** a continued use.

### HOW DO I REQUEST AN OCCUPANCY HISTORY REPORT?

If your property does not have a Certificate of Occupancy, and you believe that the current use has been in place since before 1958, you may request an occupancy history report at the Division of Zoning and Development Review.

Requests can be made in person at 200 Ross St, 3rd floor, Monday-Friday 8 am 12 pm, excluding City Holidays, or by emailing [zoning@pittsburghpa.gov](mailto:zoning@pittsburghpa.gov).

### WHAT EVIDENCE IS COLLECTED?

The applicant will be asked to provide evidence to support the request, including:

- Pictures of the exterior and interior of the site to show existing conditions (ex: if the request is for a Two Family Dwelling, the applicant will be asked for pictures of the two entrances to the separate units, the two electrical meters, two furnaces, two kitchens, etc); and
- Affidavits from at least two people (not the applicant) who were familiar with the property prior to 1958.

In addition, Zoning staff will check several sources including Polk's Pittsburgh City Directories from the 1950s; Sanborn Atlas Fire Insurance Maps; and previous applications made with the Zoning Division.

### HOW IS THE EVIDENCE EVALUATED?

If the collected evidence clearly supports the case that the use was established and used continually since before 1958, then the request may be certified administratively. For example, a side-by-side duplex built prior to 1958 that shows up on the Sanborn Maps as a side-by-side duplex and still has two separate front doors, two kitchens and two meters could be approved administratively.

If there is insufficient or inconclusive evidence, the request will be denied. For example, a building built as a Single Family Dwelling prior to 1958 that was later divided into two units but the only evidence found was pictures of the current interior would be deemed to have insufficient evidence.

### WHAT ARE THE NEXT STEPS IF THE CONTINUED USE IS CERTIFIED?

If Zoning staff determines that the use can be certified administratively, the applicant will then need to apply for a Record of Zoning Approval (ROZA). A building permit may also be required. All applicable Building Code requirements also need to be met.

### WHAT ARE MY OPTIONS IF THE REQUEST IS DENIED?

If Zoning staff determines that there is either insufficient or inconclusive evidence, the applicant has the option to apply to the Zoning Board of Adjustments (ZBA) for a review of the evidence. Please see the handout on the ZBA process for more information. Alternatively, the applicant can comply with the current Zoning Code requirements.

### WHAT FEES APPLY?

If the request is certified, the standard Basic Zoning Review fees will apply. If the request is denied and the applicant applies to the ZBA, standard ZBA hearing fees will apply. Building permit fees may also apply.

### FOR MORE INFORMATION:

Contact the Division of Zoning and Development Review at 412-255-2241 or [zoning@pittsburghpa.gov](mailto:zoning@pittsburghpa.gov).