



CITY OF PITTSBURGH
DEPARTMENT OF PERMITS, LICENSES & INSPECTIONS
JOHN P. ROBIN CIVIC BUILDING

PLI's Guidelines for Partial/Phased Occupancy	Issued: May 22, 2016 Revised: 4/26/2021, 5/3/2021
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PURPOSE: Outline the procedure for obtaining legal use or occupy of a portion of a new or existing building under construction/alterations, prior to completion of all work under PLI permits and associated Department of City Planning Zoning Development Review applications.

PLI'S GUIDELINES FOR PARTIAL/PHASED OCCUPANCY

1. Regulation/Code Background

- a) **Commercial Structures.** The following outlines the regulation/code background for this policy as applicable to commercial structures:
 - i) **Applicability.** Commercial Structures¹ are defined as follows:
 - (1) Applies to structures regulated by the International Building Code;
 - (2) Applicable to attached single-family and two-family dwellings and accessory structures;
 - (3) Applicable to detached single-family and two-family dwellings and townhouses that are more than 3 stories in height and accessory structures;
 - (4) Applicable to dwelling units in mixed-use structure (contains non-residential uses);
 - (5) Applicable to non-residential uses.
 - ii) **Legal Occupancy.** A Certificate of Occupancy (CO), issued by the Building Code Official (BCO) is required to legally use or occupy a building, structure, or facility.²
 - iii) **Basis for CO Issuance.** The BCO may issue a CO for a building, structure or facility, or portion of that complies with PA Uniform Construction Code (UCC) and Pittsburgh City Code (PCC) requirements.³

¹ PA Uniform Construction Code (UCC) Regulations Section 401.1

² UCC Regulations Section 403.46(a)

³ UCC Regulations Sections 403.46(b), 403.46(c)

iv) **Temporary Certificate of Occupancy (TCO).** The BCO may issue a TCO for a portion of the building or structure before the completion of all covered by the permit if the portion may be occupied safely. The BCO shall identify the time for which the TCO is valid.⁴

b) Residential Structures. The following outlines the regulation/code background for this policy as applicable to residential structures:

i) **Applicability.** Residential Structures¹ are defined as follows:

(1) Applies to structures regulated by the International Residential Code;

(2) Applicable to detached single-family dwellings and townhouses that are 3 stories or less in height;

(3) Applicable to detached two-family dwellings that are 3 stories or less in height;

(4) Applicable to structures accessory to the dwelling.

(5) Not applicable if other uses beyond the dwelling unit are present in the structure.

ii) **Legal Occupancy.** A CO, issued by the BCO is required to legally use or occupy a building, structure, or facility.⁵

iii) **Basis for CO Issuance.** The BCO may issue a CO for a building, structure or facility, or portion of that complies with UCC and PCC requirements.⁶

iv) **Temporary Certificate of Occupancy (TCO).** The BCO may issue a TCO for a portion of the building or structure before the completion of all covered by the permit if the portion may be occupied safely. The BCO shall identify the time for which the TCO is valid.⁷

2. Conditions for Issuance of CO

a) **Closeout Documents.** Permit holders shall submit all closeout documents for all required permits this shall include, but are not limited to special inspection reports (interim, final, and log of nonconformities), test reports (mechanical balance, air leakage, etc.), statement of compliance, record of completion, commissioning reports, and TPA inspection reports (as applicable). PLI shall review close-out documents for compliance with requirements.

b) **Compliance with Permit Conditions.** All conditions identified on PLI permits or related Department of City Planning (DCP) Zoning Development Review (ZDR) application shall be met. Documentation of DCP staff confirming compliance with ZDR requirements may be required.

c) **Completion of All Work.** All work for all required PLI permits and Allegheny County Health Department plumbing permits (ACHD inspection report to be provided as close-out document) shall be complete and all associated required inspections shall be recorded with a passed outcome. All work for an associated ZDR(s) including, but not limited to landscaping shall be complete.

d) **PLI Audit.** Per the direction of the BCO, PLI will audit permits for compliance with the conditions noted in item 2 of this policy prior to issuance of a CO. PLI will return permits that

⁴ UCC Regulations Section 403.46(e)

⁵ PA Uniform Construction Code (UCC) Regulations Section 403.65(a)

⁶ UCC Regulations Sections 403.65(b), 403.65(c)

⁷ PA Uniform Construction Code (UCC) Regulations Section 403.65(f)

are deficient with these requirements to the inspection process and notify the permit holder of requirements for successful completion.

- e) **Issuance of CO.** After successful completion of the audit, the BCO will issue the CO. Please note the following:
 - i) PLI only grants permission to use or occupy a building, structure or facility, or portion of by the BCO's issuance of a CO. PLI will not deem any other forms of communication, verbal or written, as granting permission to occupy.
 - ii) PLI does not print hard copies of CO's.
 - iii) PLI emails electronic copies of CO to the permit holder and makes them publicly available for download [via PLI's online database](#).

3. **Conditions Requiring a TCO**

- a) **Commercial Structures.** The following outlines conditions requiring a TCO for Commercial Structures:
 - i) **New Construction.** The following shall be conditions that would require a TCO:
 - (1) Occupancy is requested prior to completion of all work and issuance of a CO.
 - (2) The conditions of item 2 of this policy will not be met prior to requested occupancy.
 - ii) **Existing Structures.** The following shall be conditions that would require a TCO:
 - (1) Valid CO. Permit involves a building/space with a valid CO with no change in occupancy and all of the following are applicable:
 - (a) Occupancy is requested prior to completion of all work.
 - (b) Life safety system and/or means of egress will be modified during this occupancy, or
 - (c) The area of the renovation exceeds fifty percent (50%) of the aggregate area of the building.
 - (2) Change in Occupancy. Permit involves a change in occupancy and one of the following is applicable:
 - (a) Occupancy is requested prior to completion of all work.
 - (b) The conditions of item 2 of this policy will not be met prior to requested occupancy.
- b) **Residential Structures.** The following outlines conditions requiring a TCO for Commercial Structures:
 - i) **New Construction.** The following shall be conditions that would require a TCO:
 - (1) Occupancy is requested prior to completion of all work and issuance of a CO.
 - (2) The conditions of item 2 of this policy will not be met prior to requested occupancy.
 - ii) **Existing Structures.** The following shall be conditions that would require a TCO:
 - (1) New Accessory Structure. Any new accessory structure (deck, pool, or garage) and one of the following are applicable:
 - (a) Occupancy is requested prior to completion of all work.
 - (b) The conditions of item 2 of this policy will not be met prior to requested occupancy.
 - (2) Addition. Permit including an addition:
 - (a) Occupancy is requested prior to completion of all work.
 - (b) The conditions of item 2 of this policy will not be met prior to requested occupancy.

- (3) Two-family. Permit for a two-family dwelling that includes a CO and occupancy of one dwelling unit is requested and one of the following are applicable:
 - (a) Occupancy is requested prior to completion of all work.
 - (b) The conditions of item 2 of this policy will not be met prior to requested occupancy.

- c) **TCO Does Not Resolve**. A TCO does not resolve the following issues:
 - i) Substitute for Required Inspection. A TCO does not substitute for required inspections on required permits.
 - ii) Expedite Inspections. A TCO does not expedite inspection services.
 - iii) Alleviate Code Compliance. A TCO is not a means to alleviate compliance with code requirements of required permits.

4. PLI Review/TCO Issuance Standards

- a) **Construction Completion**. All construction for all required permits shall be substantially complete with recorded passed inspections.
- b) **Code Compliance**. The building, structure, or facility and areas to be occupied under the TCO shall comply with applicable UCC and PCC requirements without requiring remaining work to be completed. Applications that cannot demonstrate compliance may seek variances from the following agencies:
 - i) PA Department of Labor's Accessibility Advisory Board. Applicable to variances related to UCC accessibility requirements.
 - ii) PLI's Board of Appeals. Applicable to variances related to UCC and PCC building code variances not related to accessibility or plumbing requirements.
 - iii) Allegheny County Health Department. Applicable to variances related to plumbing code requirements.
- c) **General Safety**. Remaining work shall not pose a direct hazard to the occupants under the TCO.
- d) **DCP Approval**. DCP approval of the use and temporary conditions are required.

5. Application Process

- a) **General Application Process**. Partial occupancy requires submission of a new and separate application. The application process for the new application shall follow PLI's standard permit process, including DCP review and approval. The permit process includes these steps:
 - i) application submission,
 - ii) review,
 - iii) permit issuance,
 - iv) inspection,
 - v) permit completion audit,
 - vi) issuance of TCO.

ALL TCO'S REQUIRE INSPECTIONS!

- b) **Application Type**. The owner, permit applicant, permit holder, or other agent authorized by the owner shall apply for a PLI "Occupancy Only" permit. A ZDR is generally not required if use

remains consistent with previous ZDR approval for subject permits. The following application options shall be selected/identified:

- i) Structure Type. The structure type shall be selected based on item 1 of this policy and shall match the structure type of the PLI permits.
 - ii) Work Type. The work type shall be “temporary use”.
- c) **Application Standards**. The following application standards shall apply:
- i) Minimum Area of TCO. Each TCO application shall minimally consist of twenty-five percent (25%) of the work area of the associated building permit.
 - ii) Multiple TCO’s. For structures with more than one (1) TCO, successive TCO applications shall incorporate areas covered by previous TCO’s.
- d) **Application Documents**. The standard application document requirements shall apply, please refer to PLI’s current “Standard Permit Application Requirements” guidelines, note:
- i) Stamped Drawings. All submitted drawings shall be prepared and sealed by a PA licensed architect or engineer. Any redlined stamped drawings shall be accompanied by a statement from the architect/engineer confirming their acceptance of the redlined content.
 - ii) Minimum Drawing Requirements. Drawings shall minimally identify the following:
 - (1) The areas to be occupied under the TCO.
 - (2) All work for all required permits that will not be complete under the TCO. It is acceptable for this be documented as a narrative on the drawings.
 - (3) A code analysis and life safety plans that demonstrates that the building and occupancy comply with current code requirements without all construction being complete.
- e) **Review**. Refer to item 4 of this policy for general overview of review standard. PLI will not approve any partial occupancy requests that do not comply with the requirements of the UCC or the PCC.
- f) **Inspection**. Please note that **all TCO’s require inspections** as follows:
- i) Permits. Final inspections shall be recorded on all required permits with either a complete pass for the entire structure or a partial pass for occupied areas under TCO. Permit holders for each required permit are responsible to request and coordinate these inspections.
 - ii) TCO. Inspections, including a final, shall be recorded on the occupancy only permit with passed outcome. These inspections verify conditions approved under this application are achieved.
- g) **PLI Audit**. Per the direction of the BCO, PLI will audit permits for compliance with the conditions noted in item 2 of this policy prior to issuance of a CO. PLI will return permits that are deficient with these requirements to the inspection process and notify the permit holder of requirements for successful completion.

- h) **Issuance of TCO.** After successful completion of the audit, the BCO will issue the CO. Please note the following:
 - i) PLI only grants permission to use or occupy a building, structure or facility, or portion of by the BCO's issuance of a TCO. PLI will not deem any other forms of communication, verbal or written, as granting permission to occupy.
 - ii) PLI does not print hard copies of CO's.
 - iii) PLI emails electronic copies of CO to the permit holder and makes them publicly available for download [via PLI's online database](#).

- i) **TCO Validity.** PLI will issue TCO's for a maximum period of 180 days but reserves the right to limit the validity for a shorter period based on the nature of a TCO application. If a TCO expires, a new application shall be submitted per this section to extend the validity of the TCO.