



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 020281

Introduced May 2, 2002

Councilmember Nutter

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 4 of The Philadelphia Code (“The Philadelphia Building and Occupancy Code”), by requiring that special certificates of occupancy must be issued in connection with structures in Use Group E, the Educational Use Group, on an annual basis in order for such structures to be occupied.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4 THE PHILADELPHIA BUILDING AND OCCUPANCY CODE

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CHAPTER 4-200.0 TEXT OF SUBCODES

SUBCODE “A” (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 7 CERTIFICATES AND APPROVALS

SECTION A-701.0 CERTIFICATE OF OCCUPANCY

A-701.1 General: A certificate of occupancy, indicating compliance with permits and construction documents, shall be obtained prior to occupancy of a building in the following cases:

1. Erection of a new building,

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2. Erection of an addition to a building,
3. Change from one Use Group to another.

Exception: A certificate of occupancy for change in non-residential Use Group shall not be required under the following conditions:

1. The gross building floor area does not exceed 2,000 square feet (186 m²) 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 occupancy load, or the occupant load for the new use does not exceed 100 persons.

A-701.1.1 Special Occupancy Requirement for Structures in Use Group E: No structure in Use Group E, the Educational Use Group, as defined in Subcode "B" of Title 4, shall be occupied unless a valid special certificate of occupancy has been issued in connection with such structure.

Exception: Day care facilities that are not part of a school are not regulated under this subsection.

A-701.1.2 Issuance of Special Certificates of Occupancy: Special certificates of occupancy shall be issued on the following basis:

1. *A special certificate of occupancy can be valid for no more than a single one year period, between August 1 of a given year and July 31 of the following year;*
2. *For use at the start of such one year period on August 1, such special certificate must be obtained during the six month period between February 1 and August 1 immediately preceding the beginning of the one year period;*
3. *A certificate obtained after the one year period has started on August 1 is valid only for the remainder of that one year period;*
4. *The Department shall not issue a special certificate of occupancy unless the building has been inspected for fire, safety, electrical, lead paint, water quality and all other property-related hazards and the Commissioner of Licenses and Inspections has*

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certified that the building is in substantial compliance with the fire, safety, electrical, lead paint and all other property-related requirements of this Code and, through consultation with the Health Department, with any applicable water quality requirements of the Health Department, and that the building can be occupied safely without endangering life or public safety or welfare;

5. *The contents of special certificates of occupancy issued under this subsection shall include the same information as provided in connection with a standard certificate of occupancy, shall also include the time period for which it has been issued, and shall be available for inspection in the same manner as standard certificates of occupancy;*

6. *Upon the request of the owner of the structure, a partial special certificate of occupancy shall be issued to occupy a portion of the premises upon certification by the Commissioner of Licenses and Inspections that such portion of the premises is in substantial compliance with fire, safety, electrical, lead paint, water quality and other property-related requirements provided that such portion or portions can be occupied safely prior to correction of the defect preventing full certification without endangering life or public safety or welfare. Such issuance shall be in accordance with procedures established by the department and the code official shall notify the applicant of any limitations or restrictions imposed by the partial occupancy; and*

7. *No fee shall be charged for the issuance of special certificates of occupancy or the inspection required therefor.*

A-701.1.3 Reporting Requirement. On August 15 of each year, the Commissioner of Licenses and Inspections shall provide the following information in a report to the Mayor, the President of City Council and the Superintendent of Schools, and shall provide a copy to the Chief Clerk of City Council, containing the following information:

1. *The names and addresses of the structures in Use Group E;*
2. *A list of those structures listed under subparagraph 1 for which certification pursuant to subsection A-701.1.2 has been requested and a list of those structures for which certification has not been requested;*
3. *A list of those structures for which certification has been provided. This listing shall include, for each of the structures listed, a description of the conditions, if any, that bring the structure out of total compliance with the fire, safety, electrical, lead paint and all other property-related requirements of this Code and any applicable water quality requirements of the Health Department, but which do not prevent certification*

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that the building can be occupied safely without endangering life or public safety or welfare;

4. A list of those structures for which certification has been requested but for which certification has not been provided or for which partial certification was provided; and

5. For each of the structures listed pursuant to subparagraph 4, a description of the fire, safety, electrical, lead paint, water quality and other property-related requirements that prevented full certification and a description of the actions that must be taken by the owner of the structure to obtain full certification. Such description shall also include a description of the conditions, if any, that bring the structure out of total compliance with the fire, safety, electrical, lead paint and all other property-related requirements of this Code and any applicable water quality requirements of the Health Department, but which do not themselves prevent certification that the building can be occupied safely without endangering life or public safety or welfare.

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SECTION 2. Effective Date. No special certificate of occupancy shall be required under the provisions of this Ordinance until January 1, 2003. A special certificate of occupancy valid solely for the period January 1, 2003 through July 31, 2003 must be obtained between the effective date of this Ordinance and December 31, 2002. The information that in future years must be provided by the Department of Licenses and Inspections pursuant to Section A-701.1.3 by August 15 of each year shall, in connection with certificates that must be obtained between the effective date of this Ordinance and December 31, 2002, be provided by January 15, 2003.