



## CODE ENFORCEMENT AGENCY

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# **RENTAL & REAL ESTATE** **TRANSFER INSPECTION**

On behalf of the local jurisdiction, we genuinely appreciate your application for occupancy of your new building or space. We're excited to partner with you in bringing your vision to life!

When buildings, structures, houses, or areas have been around for many years without updates, renovations, or inspections, it's essential to ensure they meet current codes for life safety purposes. This helps not only you but also the entire community to thrive and flourish into the future.

To assist you in obtaining your occupancy certificate, we've highlighted a few key points for your convenience. This information will guide you through the legal language and process necessary to apply.

### **Key Points to Remember:**

1. **Detailed Information:** Provide thorough and precise details about your project. This will aid in the review process.
2. **Safety Codes:** Ensure your plans align with the latest safety codes to protect everyone.
3. **Consult Professionals:** If needed, consult local design professionals such as a PA Architect or Engineer for assistance in meeting design criteria.

Lastly, remember, NO building or space may be occupied without the issuance of a Certificate of Occupancy.

We are here to support you every step of the way. Should you have any questions or require further assistance, please don't hesitate to reach out. Together, let's make your project a resounding success!

**There are 3 types of Use & Occupancy for any existing commercial or residential structure. (Does not apply to new construction)**

**Type 1- Full Use and Occupancy Certificate.** Upon a successful completion of an onsite inspection performed by CEA, should no there be NO deficiencies recorded or presented on the application and property, the Code Official shall issue a “USE & OCCUPANCY Certificate to the local jurisdiction for record. The certificate is only valid for the legal name which appears on the certificate and is non-transferrable.

**Type 2 – Temporary Use & Occupancy Certificate** - Upon a successful completion of an onsite inspection performed by CEA, should any deficiency or violation be presented, but no substantial violations or “unsafe conditions” prohibiting occupancy, the Code Official may issue a TEMPORARY Use & Occupancy Certificate. This allows a transfer of sale of real estate property to take place between owners legally. This does not permit or substantiate permission for occupancy (unless by permission of the Code Official). Temporary Use Certificates are granted property owners and applicants to allow time for renovations, structure upgrades or change of use plans to be submitted properly. TYPE 2- Shall require the “BUYER” to sign and notarize an affidavit **prior** to the issuance of any certificate. The new owner or agent shall have 1-year (One) from the issuance date of the certificate to finalize all deficiencies and violations and be issued a Type 1 – Full Use & Occupancy Certificate. The certificate is only valid for the legal name which appears on the certificate and is non-transferrable. (Permits may be required).

**Type 3- Unsafe or Unfit Structure** – Under Pennsylvania Uniform Construction Code (PA UCC) § 403.84. Unsafe building, structure or equipment. (Permits are required)

(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance. A vacant building or structure that is not secured against entry is unsafe under this section.

(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

(c) A building code official shall serve a written notice on the owner or owner’s agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner’s agent’s last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

**VACANT or ABANDONED** – Structures- Any structure which is vacant or abandoned for a period of six months must be reviewed and inspected by the Code Official, prior to any issuance of a Full or Temporary Certificate.

**CHANGE of USE**- Upon any application where any structure, dwelling or commercial compartment expresses an interest in changing the principle use or the occupancy including any use group defined in the International Building or Fire Code as specified by the PA UCC, the Building Code Official must review and approve PRIOR to the issuance of any Temporary or Full Use and Occupancy Permit. In most cases, the Existing Building Code (IEBC) and the PA UCC shall require a change of use submission or design set of plans “sealed” by a Pennsylvania registered Architect or Engineer. This shall include residential dwellings and multi-unit dwellings. International Residential Code (IRC) is reserved for code interpretations of a single-family dwelling or duplex. If the structure is not residential as defined by the IRC, then it becomes Commercial Use and is described by the commercial building code.

**UNCERTIFIED STRCUTURE – § 403.28. Uncertified buildings.**

(a) Under section 902(b)(6) of the act (35 P.S. § 7210.902(b)(6)), an uncertified building that was built before April 27, 1927, is deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the building. The renovation, addition, alteration or change in occupancy must comply with the Uniform Construction Code.

**LOCAL ZONING ORDINANCE**- Local Zoning Ordinances apply to all applications submitted to the local jurisdiction. Please FIRST check with the local Zoning Officer to seek permission or compliance of the property for any new occupancy or change of use.

**OTHER REGUALTED or JURISDICTIONAL AUTHORITIES**- In some cases, regional plumbing departments, local sanitary enforcement such as Municipal Authority or Sanitary Enforcement Officer (SEO), Local or PA Health, Human Services or other Agencies, Historical Boards, Planning Commissions, Public Utility, SALDO or other agencies may affect your Temporary or Full Use & Occupancy Certificate. The Code Officer shall work together with you to identify additional required permits or valid certificates from other agencies required. No valid certificate of Use & Occupancy can be issued without final approvals if required.

**Illegal Occupancy or Uncertified Occupancy**- Any occupant / owner who unlawfully occupies a space or structure without the consent of the authority having jurisdiction (AHJ) or the Building Code Official, shall be in violation of the Occupancy Code and Standard. Any such occupancy deemed illegal shall be reviewed with the Building Code Official and proper civil or criminal actions such as notice of violation or “unlawful entry” may be cited and prosecuted by the local civil or criminal authority.