

Residential Building Department Resource Package

**Time Limited  
Certificate of Occupancy  
Process BBS Form 5-2  
RCO 111.1.4**

July 2019

*111.1.1.4 Time-limited occupancy. A residential building or structure hereafter changed in part from one occupancy to another for a limited time may receive a certificate of occupancy reflecting that time-limited occupancy provided:*

- 1. There are no violations of law or orders of the residential building official pending;*
- 2. It is established after inspection and investigation that the proposed use is not deemed to endanger public safety and welfare;*
- 3. The residential building official has approved the use for an alternative purpose on a temporary basis;*
- 4. The residential building official has issued a certificate of occupancy indicating any special conditions under which the building or part of the residential building can be used for the alternative purpose within the time limit specified.*

# USING BUILDING SPACES FOR SHORT TERM & EMERGENCY PURPOSES

## **Emergency Planning, Temporary Conditions, and Special Events often occur without proper coordination and approvals.**

Throughout Ohio and the US, emergency planning includes an anticipated use of community located buildings designed and approved for purposes other than the potential use under emergency conditions. Additionally, special events are planned and occur frequently in structures not designed for the short term, unusual purposes. Communities must anticipate and prepare for these occurrences with coordinated professional involvement of the proper agencies.

## **Winter-Cold Weather Increases Likelihood Some Buildings Will Be Offered To Those In Need.**

Church groups and other social service organizations have in the past, and will continue to try to provide help to the homeless and others who may not be able to assure warm and safe environments for their families. Although a community may recognize this need as a social priority, it is extraordinarily critical that any building used for alternate purposes, particularly housing, be evaluated and approved so that an assurance of basic safety occurs.

## **Appropriate Resolution Requires involvement of both the Building & Fire Code Enforcement Personnel**

Where the proposed short term change is intended to occur, the certified building department and the local fire prevention personnel must work together with the building owner to establish a legal strategy that will result in a safe use of the facility.

Where the location of the facility is in a geographic location without a certified building department, the state's building department will have jurisdiction.

Contact: **Division of Industrial Compliance**  
Chief Building Official Geoff Eaton – 800/523-3581

Both the Division of State Fire Marshal and the Board of Building Standards can be called on as resources to help explain how to work through an approval process.

Contacts: **Division of State Fire Marshal: Code Enforcement Bureau**  
888/252-0803

**Ohio Board of Building Standards**  
Staff – 800/523-3581 or 614/644-2613

The RCO has a provision (Time-Limited Occupancy Approval Method) that can be used to properly respond to these issues. If proposed time limited use is a non-residential use, the RBO should coordinate with the CBO having jurisdiction before issuing a Time-Limited Occupancy Approval. Approval must be issued by authority having jurisdiction.

## **Using the Time-Limited Occupancy Approval Method**

The Certificate of Occupancy section of the Residential Code of Ohio (currently section 111), was revised a few years ago to specifically provide a useful and practical option to building owners, building and fire departments struggling with code compliance for temporary conditions like haunted houses, emergency shelters/housing, exhibits, tents for special events, etc.

Located in RCO section 111.1.4, the *Time-Limited Occupancy* provisions offer a method to approve short term changes in occupancy for a portion of or an entire building. This provision gives the building official discretion to approve a condition intended to occur for a short period of time.

*The following is extracted from the Board's Chapter 1 Commentary:*

**111.1.4 Time-limited occupancy.** A residential building or structure hereafter changed in part from one occupancy to another for a limited time may receive a certificate of occupancy reflecting that time-limited occupancy provided:

1. There are no violations of law or orders of the residential building official pending;
2. It is established after inspection and investigation that the proposed use is not deemed to endanger public safety and welfare safely;
3. The residential building official has approved the use for an alternative purpose on a temporary basis;
4. The residential building official has issued a certificate of occupancy indicating any special conditions under which the building or part of the building can be used for the alternative purpose within the time limit specified.

*The residential building official has the latitude to permit time-limited occupancy of a building or structure or some portion. The occupancy, however, is permitted if it is possible to assure that the building's occupants can do so safely without being endangered.*

*The language does not require residential building officials to allow time-limited occupancy; it only states the residential building official **may** issue a time-limited certificate of occupancy. This language is permissive to allow the residential building official some latitude when evaluating the methods to be used to assure safe occupancy. If the residential building official feels that adequate provisions can be made to permit safe occupancy, the time-limited certificate of occupancy can be issued.*

*The occupancy must be issued as time-limited and it is the residential building official's responsibility to track the issuance of a time-limited certificate of occupancy. The content of the certificate should comply with section 111.3.*

## Using the Time-Limited Occupancy Process

- Step 1. **Form a team** – It is imperative to have the **owner** (or owner's representative who has decision making authority), a **plans examiner**, the **RBO**, the **CBO** (if proposed occupancy is a non-residential use) and **fire official** (with fire prevention responsibilities) and other decision makers with a stake in the event/project on the same page and at the project discussion meeting.
- Step 2. **Hold a project discussion meeting** - The applicant must provide a **comprehensive description of what they intend to use the space or building for and for what amount of time**. Since each building is different, and ideas on how to use buildings are infinite, the information necessary and the questions to ask will vary with each case. Some examples:
- Minimum & maximum number of persons using the space
  - Times of the day the space/building will be used for the purpose
  - Types of materials/commodities that would/could change with the temporary use
  - What additional fuel and/or ignition sources will be used
  - Identification of combustible materials location
  - Types of fire protection and egress systems are currently in place
  - Travel distances to safety
  - What alternate areas of refuge can be used
  - Staffing available to used for alternate protection methods
  - What methods are being planned as alternative protection methods
  - How will other spaces within the building be secured to limit the alternate use to specified areas
  - How will the evacuation plan be changed
  - What fire drill planning or event announcements will occur
  - Evaluation of the RCO's requirements for the proposed time limited occupancy and if the proposal accounts in some way for the risks the code provides for
- Step 3. **Process the application for a time-limited change of occupancy** – In order to perform an inspection to verify existing conditions, it is necessary for the department to have a request in writing that describes the proposed temporary use. While it may be very beneficial to have a set of existing building plans available, they will not always be retrievable. In all cases, the owner must provide a footprint layout of the spaces (evacuation plan) indicating what each space is currently being used for and what spaces are intended to be used temporarily for the limited purpose. An inspection (joint building & fire department) should be conducted to verify the evacuation plan and to check for any serious hazards.
- Step 4. The team should **discuss the options for what systems to have in place** in order for the building official to approve the time-limited occupancy. When an agreement is reached, the Time-Limited Certificate of Occupancy should be prepared with all the understood conditions listed. If any of the options included changes to the building or the building systems that had not been inspected, a verifying inspection(s) must occur before the C of O is issued.

*It should be noted and clearly understood that this process must be limited to short time periods (hours, days, weeks) but generally not used for times exceeding a month and that the approval is used once...any intent to use this process after the expiration of the approval must require a new application and evaluation.*