

Policy Directive No. 5
Guidelines for the Temporary Occupancy
of Buildings Under Construction
Section 1101-37.5 CBC

These guidelines are to set forth some minimum consideration to be given before permitting the occupancy under the provisions of Section 1101-37.5 "Temporary Occupancy" of any portion of new buildings. Not every situation can be covered. Individual judgments must still be made by the Director's representatives before the required temporary Certificate of Occupancy can be issued. More restrictive provisions are always in order (up to and including the full completion of the building per the plans) when there is any question that safety or code requirements will not be maintained.

Some of the questions that should be answered in order to permit partial or temporary occupancy are listed here:

1. Will the degree of safety in the occupied space be equal to that which is provided in an existing building with ongoing extensive remodeling work?
2. Will the proposed occupancy be provided the same degree of safety that is designed in the finished building?
3. Will it be possible to isolate construction in the building so it will not affect any occupied area used for access or exit?
4. Is the construction of the basic building complete, i.e., are exterior walls, roof, structural members, floors and other major components of the building finished; tower cranes, hoistways, exterior scaffolding, etc., are no longer needed; and the exterior looks like the approved elevations?

Without affirmative answers on these questions, the Certificate of Occupancy, even a temporary one, should probably not be considered further. If these conditions can be met, the following should, at the very least, also be necessary:

1. All required life safety equipment complete, tested and operating from one floor above occupancy and all floors below this floor. Standpipe and fire pumps shall be fully operational throughout the building. All required systems to be tested and approved by the Fire Department. The alarm system and emergency power is also to be tested by General Building Inspections (also Heating, Elevators and IBI, if applicable).
2. All exits and exit access shall be complete without obstruction to the public way. Stairways serving the occupied area to be completely finished including lighting as per the approved plans and all enclosure doors to remain closed.
3. Fire separations are to be complete in any area that could affect the occupied space. This generally is up through the floor above occupancy. Completion of shafts and fireblocking in the required areas is a necessary part of fire separation.
4. All permits for work complete or in progress must be issued and approved plans on file must reflect the as-built conditions of the building and its equipment.
5. Free access must be available to the Fire Department from the public right-of-way to the occupied area, as well as to fire safety equipment and alarm panel.
6. Approval to occupy must be given by all involved agencies. This may include Heating, Plumbing and Elevator Inspections. IBI will provide a Certificate of Approval (partial final). Fire Department will provide

copies of their tests reports and oral approval. (If use involves assembly “A” occupancy, the Department of Buildings & Inspections will supply posting information to the Fire Division).

When the Temporary Certificate of Occupancy is issued, it should state clearly any conditions or limits of occupancy. Until this Temporary Certificate is issued, the “Not Approved for Occupancy” stickers should be on the building.

The contractor, architect and others in charge of the construction of the building should be advised of these requirements at an early state of construction. A pre-occupancy meeting with the construction, building and owner representatives, and all involved inspection sections and the Fire Department is recommended to avoid any misunderstanding on the planned occupancy dates. A letter from the contractor or owners representatives outlining how they intend to meet these requirements would also be helpful in avoiding misunderstandings.

Where a Certificate of Occupancy is required for a building, the code requires that either a temporary or the final must be issued before any occupancy is permitted. See Policy Directive No. 17, “Issuance of Certificates of Occupancy for Initially Developed Tenant Spaces in New Buildings.”