



PROGRAM GUIDE



Residential Certificate of Occupancy and Temporary Certificate of Occupancy

Category: Residential Construction

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I. BACKGROUND

Beginning in July 2007, the City of Portland requires Certificates of Occupancy (C of O) as part of the final inspection process for one and two family residential construction. Rather than rely on approval of various final inspections to dictate when a residential structure has been completed, a C of O provides a convenient way to provide consolidated documentation that a structure is ready for occupancy. The C of O will be granted when final inspections for all requirements related to the permitted project have been inspected and approved as complete.

In some instances, it is necessary to occupy a building before the C of O can be issued. In these cases, a temporary Certificate of Occupancy (TCO) can be requested from BDS.

This guide outlines the process for requesting and issuing residential C of O's and TCO's.

II. WHERE REQUIRED

Either a C of O or TCO is required prior to occupancy of all new residential construction of single family dwelling units, duplexes, and accessory dwelling units. C of Os and TCOs are not required for residential additions, alterations, or accessory structures such as garages.

III. AUTHORITY

The Oregon Residential Specialty Code reads, in part:

Section R110.1 Use and occupancy. *No building or structure shall be used or occupied, and no change in the existing character, use, or occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy for such change in character, use, or occupancy as specified in OAR 918-480-0140. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.*

IV. PROCESS

The following process will guide the issuance of Residential C of O's and TCO's.

A. Certificate of Occupancy

1. Inspection and issuance of residential Certificate of Occupancy.

All permitted work for new dwelling units must be completed before a C of O can be issued. The C of O will be issued to the property owner on verification of completion of all the following applicable portions of the permit:

- a. Building
- b. Electrical
- c. Plumbing
- d. Mechanical
- e. Site Development including permanent erosion control, onsite stormwater control, sanitary facilities and landscape requirements including those required by zoning or land use review.

For the purposes of confirmation, the inspection process shall serve as the verification process. Approval by an inspector for each discipline will suffice as proof of construction completion.

2. Inspection accountability.

The permit holder (responsible party) is accountable for requesting the necessary inspections. All inspection requests will be processed using the BDS IVR system.

3. Certificate issued.

After the building has been inspected and it has been determined that the provisions of the applicable codes or other laws have been met, a certificate of occupancy shall be issued and shall, at a minimum, contain the following information:

- a. The building permit number;
- b. The address of the building;
- c. The name of the owner;
- d. Use of the building; and
- e. Any special stipulations and conditions of the building permit.

A copy of the certificate shall be mailed to the building owner.

B. Temporary Certificate of Occupancy

1. Request for Temporary Certificate of Occupancy.

A Temporary Certificate of Occupancy may be issued upon request of the property owner or representative if not all permitted work is completed. Minimum fire and life safety requirements must be met and the issuance fee must be paid before a TCO is issued (see below).

- a. A request must be made using the BDS IVR System, Inspection 290.
- b. All fire and life safety requirements as determined by the building official must be completed and approved through the inspection process.
- c. Applicable temporary erosion control measures must be in place.
- d. All inspection disciplines (building, plumbing, mechanical electrical and site development) must agree that the TCO may be issued.
- e. The TCO will be issued upon verification that minimum requirements are met. The TCO will list all work to be completed, a completion date, and an expiration date for the certificate.

- f. The consideration or issuance of a TCO does not eliminate the need for any outstanding requirements, including all final site and structural requirements, to be completed before the final Certificate of Occupancy can be issued.
- g. TCO's are valid for 30 days from the date of issuance.

2. Issuance and fees.

After all requirements as outlined above have been met, the property owner will be notified that the TCO is available for issuance. Before issuance, the owner must pay an issuance fee at the Development Services Center (DSC) or online. The fee is included in the adopted BDS fee schedule and is subject to change. The current fee schedule can be obtained on-line at www.portlandoregon.gov/bds under the fees tab. A copy of the schedule can also be obtained in the DSC.

3. Closing of a Temporary Certificate of Occupancy.

In order to close the TCO and obtain a C of O, all items specified on the TCO must be completed and all necessary inspections passed on or before the TCO expiration date. Inspection requests must be made using the IVR inspection system. Upon completion of the re-inspection, one of the following actions will be taken:

- a. If all outstanding requirements have been met, the inspection(s) will be finalized and the C of O will be issued.
- b. If all outstanding requirements are not met, the TCO may be extended as indicated below.
- c. If after any allowed extensions all outstanding requirements have not been met, BDS may commence enforcement action to gain compliance.

Other appropriate enforcement action may be taken if fire/life safety hazards are present or to ensure that all code requirements are met.

4. Extension of Temporary Certificates of Occupancy.

Prior to expiration, a TCO may be extended. A TCO may be extended for a maximum of 30 days each. To request a TCO extension, the following applies:

- a. An extension request must be made before the TCO expires.

- b. Extension requests may be made by calling Residential Inspections at (503) 823-7388. The request shall describe the items needing the extension including a rationale for the request.
- c. A fee equal to the initial fee for TCO issuance is required. Payment of the fee shall be required before the extension request will be granted.
- d. Upon extension of a TCO, BDS will issue an updated TCO that includes the items listed in IV.A.3.

5. Security guarantee.

In some circumstances, a security document may be required for any unfinished work. When required, the value of the surety will be set at 120% of the value of the work to be completed.

6. Expiration of Temporary Certificate.

- a. TCOs will expire 30 days from the date of issuance. The expiration date shall be clearly noted on the temporary certificate.
- b. Before the TCO expires, a final occupancy inspection must be requested and a C of O must be issued. Final inspections are requested through IVR using inspection code 999.

7. Enforcement.

All TCO's expiring before a final occupancy inspection has been conducted and a C of O has been issued may be subject to remediation and enforcement action by BDS.

C. Revocation.

The Building Official shall, in writing, suspend or revoke a C of O issued under the provisions of this guide wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this guide.