
BBS MEMO

Ohio Board of Building Standards

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6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

ISSUING A CERTIFICATE OF OCCUPANCY FOR AN EXISTING BUILDING

Building departments throughout Ohio will, once again, be receiving increased requests for C of Os for existing buildings. This time, owners of hotels will be approaching you for approvals if they don't have one on hand or if the C of O they have doesn't provide accurate information. In order for any motel/hotel to be licensed by the State Fire Marshal's office, the owner must provide documentation (in the form of a C of O) that the building has been approved for the purpose they are requesting licensure for.

Licensure now makes a distinction between facilities that allow cooking versus those that don't. For example, some hotel/motel buildings have suites and efficiencies constructed with kitchens while others are just limited to rooms designed exclusively for sleeping. Because some motel/hotels have allowed cooking in rooms approved exclusively for sleeping, the Marshal's office has established a prerequisite that proof be provided how the spaces can be used. So, the owners will be looking through their records for their C of Os. Many of them will need to secure a copy of the C of O you may have or request that one be issued using the rule for that purpose in the OBBC (4101:2-1-27).

So, to prepare yourselves for these requests, we suggest you review the process you use to issue the C of Os and again remind everyone that the requirements have changed for what must be on a C of O (as of 3/1/98).

If you need some guidelines on C of O content, you can refer to the materials we provided at the Chapter One seminars or contact our office. The OBOA also is working on some versions of C of Os that can be used.

We have prepared a summary of rule 4101:2-1-27(D) (Certificate of Occupancy for existing buildings) and a sample letter to be used by an owner for requesting a C of O for an existing facility. These two documents were included in a letter that was issued by the State Fire Marshal's office to Hotel/Motel Licensees. The documents are also attached to this memo for your information.

If you are in need of a Certificate of Occupancy (C of O) for an existing building, you can apply for one by using rule 4101:2-1-27(D) of the Ohio Basic Building Code. This provision allows the owner (or authorized agent) to secure a building approval for an existing use under certain conditions:

1. The building or structure has been previously and continues to be used for the purpose(s) the approval is being requested for. Evidence of this "continued" use can, in some way, be verified.
2. A request for a Certificate of Occupancy must be made in writing to the building department. A determination must be made regarding which building department has authority.....*you* must check with the local jurisdiction (county, city or township) to see if they have a building department *currently* certified to enforce the OBBC related to the type of occupancy the building is used for. If there is no local department certified, the state's building department has jurisdiction.
3. There are no outstanding orders pending against the building.
4. After inspection, the building official determines the building/structure to be free of serious hazards.

Although the rules do not require a submission of plans for this process, it is important to establish what each area of the building is used for. Some version of a floor plan should be attached with a legend indicating how all the spaces are used.

The following is an example format of a letter containing the type of information the building official should be provided to begin the process. Even if the building department has a form or application they require to be filled out, a cover letter should be used to convey the required information:

Date

Mr./Ms. B.D. Official, CBO
My City Building Department
000 Main Street
Anywhere, OH 43000-0000

Re: Request for a Certificate of Occupancy: 00000 My Avenue

Dear Ms. Official:

I am not in possession of an approval for the building(s) located at the above address, and, as the owner, pursuant to rule 4101:2-1-27(D) of the Ohio Basic Building Code, I respectfully request a Certificate(s) of Occupancy.

Prior to when I purchased the property, 3 years ago, it had been used as a hotel/motel, and I continue to use the building(s) for that purpose (I have enclosed copies of the last two years' hotel/motel licenses issued by the state Fire Marshal's office). To the best of my knowledge, your department has no orders pending against this property or any of the buildings).

For your reference, I have included an unscaled floorplan sketch (evacuation plan) indicating the use of each area of the building. You may note that several of the lodging rooms are identified as suites. Each of these rooms has facilities for cooking and other extended stay amenities. It is my understanding that each of these units was designed and intended for this purpose.

I understand you will need to schedule inspection(s) to check for serious hazards, you can contact my office anytime at 000/000-0000 to assure your inspectors have access to the areas they need to see at their convenience.