



TEMPORARY CERTIFICATE OF OCCUPANCY  
(TCO)  
&  
CERTIFICATE OF OCCUPANCY (CO)



# Temporary certificate of occupancy (TCO)

**[A] 111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**2018 IBC Interpretation:**

The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in question can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope. The building official should view the issuance of a temporary certificate of occupancy as an act as substantial as the issuance of the final certificate. Indeed, the issuance of a temporary certificate of occupancy offers a greater potential for conflict because once the building or structure is occupied, it is very difficult to remove the occupants through legal means. The certificate must specify the time period for which it is valid.



# Certificate of Occupancy (CO)

## **[A]111.1 Change of occupancy.**

A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein.

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.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

### **2018 IBC Interpretation:**

This section establishes that a new building or structure cannot be occupied until a certificate of occupancy is issued by the building official, which reflects the conclusion of the work allowed by the building permit. Also, no change in occupancy or the use of an existing building is permitted without first obtaining a certificate of occupancy for the new use. The tool that the building official uses to control the uses and occupancies of various buildings and structures within the jurisdiction is the certificate of occupancy. It is unlawful to use or occupy a building or structure unless a certificate of occupancy has been issued. Its issuance does not relieve the building owner from the responsibility for correcting any code violation that may exist. The exception simply states that when work is not under the monitor of the building department, there is no need to deal with a certificate of occupancy..



# Key Differences – TCO vs CO

## ★ TCO

- ★ Limited number of occupants, for a limited period of time; generally only those persons required to set up fixtures, furnishings, equipment, stocking and systems.

## ★ CO

- ★ Full number of occupants allowed by the building design, including staff and public. Full business operations allowed

### NOTES:

TCO and CO require all life safety requirements met and are operational. The project construction is “substantially complete” and able to be used for it’s intended purpose

TCO – Allows non-life safety items to still be in progress.



# Improvement measures

- ★ Move focus of project completion to Certificate of Occupancy
- ★ Temporary Certificate of Occupancy to only be initiated in extraordinary situations.
  - ★ WinCo at Chinden and Linder is an example of how a TCO should be issued. The store was complete and actually ready for issuance of a Certificate of Occupancy. Site improvements, not under WinCo's control, were operational but not fully completed and presented no threat to life safety.
- ★ Development agreements should not use TCO's as leverage to accomplish objectives. Bonding/Surety alone should be the method of assuring completion of non-life safety items, such as landscaping, roadways and finishes.