



CODE ENFORCEMENT AGENCY

1633 Route 51, Suite 100, Jefferson Hills, PA 15025

1-866-410-4952

www.cea-code.com

RENTAL or REAL ESTATE TRANSFER INSPECTION

HELPFUL GUIDELINE & INFORMATION PACKAGE

COMMERCIAL & RESIDENTIAL INSPECTIONS

** Used for **EXISTING** Structures, Buildings, Tenant Spaces, Apartments, Dwellings,
Storefronts & Vacant Structures. **



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There are 3 types of Use & Occupancy for any existing commercial or residential structure. (Does not apply to new construction)

Type 1- **Full Use and Occupancy Certificate**. Upon a successful completion of an onsite inspection performed by CEA, should no there be NO deficiencies recorded or presented on the application and property, the Code Official shall issue a “USE & OCCUPANCY Certificate to the local jurisdiction for record. The certificate is only valid for the legal name which appears on the certificate and is non-transferrable.

Type 2 – **Temporary Use & Occupancy Certificate** - Upon a successful completion of an onsite inspection performed by CEA, should any deficiency or violation be presented, but no substantial violations or “unsafe conditions” prohibiting occupancy, the Code Official may issue a TEMPORARY Use & Occupancy Certificate. This allows a transfer of sale of real estate property to take place between owners legally. This does NOT permit or substantiate permission for occupancy (unless by permission of the Code Official). Temporary Use Certificates are granted property owners and applicants to allow time for renovations, structure upgrades or change of use plans to be submitted properly. TYPE 2- Shall require the “BUYER” to sign and notarize an affidavit **prior** to the issuance of any certificate. The new owner or agent shall have 1-year (One) from the issuance date of the certificate to finalize all deficiencies and violations and be issued a Type 1 – Full Use & Occupancy Certificate. The certificate is only valid for the legal name which appears on the certificate and is non-transferrable. (Permits may be required).

Type 3- **Unsafe or Unfit Structure** – Under Pennsylvania Uniform Construction Code (PA UCC) § 403.84. **Unsafe building, structure or equipment. (Permits are required)**

(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance. A vacant building or structure that is not secured against entry is unsafe under this section.

(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

(c) A building code official shall serve a written notice on the owner or owner’s agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner’s agent’s last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post

the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

NOTE: **VACANT or ABANDONED** – Structures- Any structure which is vacant or abandoned for a period of six months must be reviewed and inspected by the Code Official, prior to any issuance of a Full or Temporary Certificate.

NOTE: **CHANGE of USE**- Upon any application where ANY structure, dwelling or commercial compartment expresses an interest in changing the principle use or the occupancy including any USE Group defined in the International Building or Fire Code as specified by the PA UCC, the Building Code Official must review and approve PRIOR to the issuance of any Temporary or Full Use and Occupancy Permit. In most cases, the Existing Building Code (IEBC) and the PA UCC shall require a change of use submission or design set of plans “sealed” by a Pennsylvania registered Architect or Engineer. This shall include residential dwellings and multi-unit dwellings. International Residential Code (IRC) is reserved for code interpretations of a single-family dwelling or duplex. If the structure is not residential as defined by the IRC, then it becomes Commercial Use and is described by the commercial building code.

NOTE: **UNCERTIFIED STRUCTURE – § 403.28. Uncertified buildings.**

(a) Under section 902(b)(6) of the act (35 P.S. § 7210.902(b)(6)), an uncertified building that was built before April 27, 1927, is deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the building. The renovation, addition, alteration or change in occupancy must comply with the Uniform Construction Code.

NOTE: **LOCAL ZONING ORDINANCE**- Local Zoning Ordinances apply to all applications submitted to the local jurisdiction. Please FIRST check with the local Zoning Officer to seek permission or compliance of the property for any new occupancy or change of use.

NOTE: **OTHER REGULATED or JURISDICTIONAL AUTHORITIES**- In some cases, regional plumbing departments, local sanitary enforcement such as Municipal Authority or Sanitary Enforcement Officer (SEO), Local or PA Health, Human Services or other Agencies, Historical Boards, Planning Commissions, Public Utility, SALDO or other agencies may affect your Temporary or Full Use & Occupancy Certificate. The Code Officer shall work together with you to identify additional required permits or valid certificates from other agencies required. NO valid certificate of Use & Occupancy can be issued without final approvals if required.

Illegal Occupancy or Uncertified Occupancy- Any occupant / owner who unlawfully occupies a space or structure without the consent of the authority having jurisdiction (AHJ) or the Building Code Official, shall be in violation of the Occupancy Code and Standard. Any such occupancy deemed illegal shall be reviewed with the Building Code Official and proper civil or criminal actions such as notice of violation or “unlawful entry” may be cited and prosecuted by the local civil or criminal authority.



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Rental & Real Estate Transfer Information Sheet

The local jurisdiction has required you to get an occupancy inspection based upon a real estate transfer or occupant / tenant turnover request. The following is intended to help communicate the process and give the best information for the upcoming inspection. Please make sure the following items are prepared and ready for the inspector **PRIOR** to scheduling.

The intention of this inspection is to ensure the **minimum code standard** for an occupancy permit (prior to issuance). This is NOT a home inspection and is not intended to replicate a civil home inspection process. Deficiencies found during the inspection process are reported to the onsite applicant or representative verbally and may be recorded directly to help resolve any issues or deficiencies. Once the inspector has all areas of the inspection completed, an electronic version shall be sent to the local jurisdiction for processing and final certificate distribution. CEA does not have the authority to issue a certificate of use or occupancy directly. Please review the final requirements with the local municipality.

Exterior

- 1) All unsafe conditions and hazards are repaired or in good working condition.
Example: Gutters, storm water drainage, sidewalks, steps (including handrails) landings, gates / fences & exterior lighting or illumination.
- 2) A visible exterior address marker must be displayed in at least 4" minimum from the street.
- 3) All proper egress entryways, exit ways and windows operate properly.

Interior

- 1) Smoke detectors are present and operable in every sleeping area, hallway, basement.
- 2) Proper rated separations between garage and livable spaces or basements.
- 3) Carbon Monoxide detection must be present near any gas fired appliance such as hot water tanks, furnace or boiler systems. Also required in hallway area nearest any sleeping area.
- 4) Combination smoke/carbon monoxide detectors may be used in residential dwellings.
- 5) All pathways and emergency egress paths are opened and unobstructed. This also may include doors, windows (ventilation) and basement egress windows.
- 6) All necessary mechanical and plumbing systems must be operable and in good working condition. This includes hot water and heat sources.
ALL gas valves must be properly affixed and operational. All plumbing features such as backflow preventer, check valves, drain and waste systems or thermal expansion tanks must be properly installed and operable (please consult a licensed plumber if needed).
- 7) Proper ventilation & light must be operable.
- 8) No open, exposed or unsafe wires, cords or electrical junction boxes.
- 9) All electrical wiring must be properly installed and of a proper design and material.
- 10) Ground faults (GFCI) must be present where applicable: basements, garages, open areas near water source.

- 11) All handrails must be graspable and installed properly near any steps or stairwells.
- 12) If you require a fire extinguisher – must be properly certified, inspected & tagged.
- 13) All main electrical panels MUST be certified by an approved PA Electrical Inspector. Residential applicants may choose any PA licensed electrical inspector. Panel must have the proper sticker affixed to the panel.

Commercial dwellings, storefronts and buildings must use CEA Electrical Department for inspections by contacting CEA office to schedule and appointment.
- 14) Commercial areas must have proper life safety equipment, extinguishers, illuminations, exit signs, pathways and egress. This also includes any panic hardware and proper accessible knobs and handles. NOTE: if you need additional advice on existing life safety code or accessibility codes, please refer directly with a Pennsylvania design professional such as an Architect or Engineer. You may also use a certified commercial inspector to help answer many questions. CEA cannot advise or recommend any services or design advice.
- 15) Any residential or commercial change of use of an existing space or vacant space must be reviewed by and approved by a PA design professional. Applications must be accompanied with a sealed design plan.
- 16) **NOTE:** Unsafe areas, structures, unpermitted or uninspected areas, uncertified structures or change of use within the structure will require a sealed set of design plans to accompany the application. NO exceptions.

A notarized AFFIDAVIT may be completed and issued to the Building Code Official for approval for any “where is / as is” properties. A conditional permit will be issued to the buyer. The affidavit must be signed and notarized by the buyer only. All exiting conditions, deficiencies, code violations, notice of violations, citations or property maintenance violations shall transfer from the seller (deed holder) to the BUYER (deed recipient). CEA nor the local municipality is responsible or liable for any exiting issues present or after such transfer of certificate. A full certificate of use / occupancy shall be issued only upon full and final inspection of the new property owner. Please consult with your realtor or legal representative for legal advice concerning the civil process. CEA cannot help advise, consult, inspect or offer any conditional permissions to an affidavit process.

The inspector may add items as necessary based upon physical observation.



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Property Maintenance Affidavit

On behalf of the community which you seek to purchase or transfer real estate, you may be asked for an affidavit to be signed and notarized to attach to the application. Whenever a property, structure or occupied area may have violations of the property maintenance code, jurisdictional ordinances or perhaps the fire code, it may not be possible to abate all the known or unknown violations prior to a real estate closing date and time.

What is the Affidavit for?

The affidavit is a legal form which requires the “buyer” of a perspective new structure to sign before a Pennsylvania Notary Public for the protection of community of violations which may exist or be present during a real estate transfer.

Why is a PA Notary Required?

This is also a legal protection that provides the community an understanding of who is signing for the violations. The violations will transfer to the new buyer upon the real estate transfer, so having the proper legal person sign in front of a notary is best.

Can I still close on my property with violations?

In most circumstances, yes. The final decision is up to the Building Code Official or the Code Enforcement Officer (Property Maintenance), but most communities will allow a transfer to take place if the “buyer” assumes responsibility and complies with the violations upon purchase.

How much time do I have after the affidavit?

Once the transfer has taken place, the new “buyer” should present plans to the building department to rectify the violations and move toward a full occupancy or use certificate. Most conditional permits for transfer are valid for up to six months, but extended time may be granted if progress of code compliance are being made.

Do I need a Building permit?

Check with the local Building Code Official, depending on the level of alterations, you may not need a permit. The BCO will help interpret this with you.

Can I live in the building without an occupancy? (Including rent to someone?)

NO. It is never safe or assumed by the local community to be legal to occupy a structure of dwelling without a valid certificate of occupancy or valid use certificate.



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REAL ESTATE TRANSFER INSPECTION AFFIDAVIT

Based upon the local Ordinance established by the jurisdiction named below, this affidavit is signed and notarized as a "where is / as is" point of sale and transaction. The status and inspection of the property designated below has determined it does not meet or exceed the minimum code requirement for occupancy according to the Commonwealth of Pennsylvania Uniform Construction Code. The Buyer and Jurisdiction recognize that the Buyer is required to comply with all local codes and standards as described in the International Property Maintenance Code (IPMC), the International Building Code (IBC), National Electrical Code (NEC) and the Commonwealth of Pennsylvania Uniform Construction Code (PA UCC) prior to receiving an Occupancy Permit.

The Buyer understands and agrees that neither this inspection agency, nor the Jurisdiction have made or shall make any assumptions, corrections, or changes to any language specifically to the word "Occupancy" until such time as all required codes specified above have been satisfied to the minimum standard.

UPON CLOSING ON THIS PROPERTY, THE NEW PROPERTY OWNER(S) OF RECORD NOTED HEREIN ACKNOWLEDGES AND ACCEPTS FULL RESPONSIBILITY FOR THE ABATEMENT OF ALL ACTIVE INTERIOR AND EXTERIOR PROPERTY MAINTENANCE AND/OR ZONING CODE VIOLATIONS ON THE PROPERTY ADDRESS OUTLINED HEREIN AND ENUMERATED ON THE ATTACHED NOTICE OF VIOLATION OR PROPERTY MAINTENANCE & TENANT REPORT. EXTERIOR PROPERTY MAINTENANCE VIOLATION WILL BE SUBJECT TO A TIME-LIMIT FOR ABATEMENT DETERMINED BY THE CODE OFFICIAL. IT WILL BE THE RESPONSIBILITY OF THE NEW OWNER(S) OF RECORD TO CONTACT THE CODE OFFICIAL AND REQUEST THEIR UPDATED NOTICE OF VIOLATION.

Municipality/ Jurisdiction: _____ Lot & Block (Tax map) #: _____

Address: _____

Name of Buyer: _____

Signature of Buyer: _____

State of _____ County of _____

The foregoing document was acknowledged before me on this ____ day of _____, 20 __
by (name) _____ who personally appeared or made known to me
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged
to me that they executed the same for the purpose wherein contained.

Notary Signature
Notary Stamp/ Seal:

Date

Signature of Code Official