

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 1 of 8

Reference: DBC Admin 132.9, IEBC 407.1, Ordinance No. 20170726, Series of 2017

DEFINITIONS

Applicant – In this policy means the owner of the building or the tenant of the building who has received an owner’s authorization.

Building plan review submittals – The construction documents that are submitted to CPD for review before a building permit can be issued.

Code – In this policy means the Denver Building and Fire Code and the electrical code of the City and County of Denver, both as defined in Article II, Chapter 10, Denver Revised Municipal Code. To view or download current codes, visit www.denvergov.org/buildingcode.

Schematic drawings – In this policy schematic drawings consist of approximated floor plans, simple elevations (elevations are only needed if changes have been made to the exterior of the building without permits or are needed to meet Code) and conceptual building sections (if there is more than one floor involved). Floor plans must be drawn to scale, and should indicate the approximate location of fenestrations (windows, doors), stairs, elevators, rooms, and must identify means of egress (access to exits, exit locations, and the areas where exits discharge).

PURPOSE

Ordinance No. 20170726 allows the Building Official to approve a compliance plan developed by building owners and tenants for the purpose of bringing an unpermitted space into compliance with the Code in a reasonable amount of time. This program is available for a period of thirty (30) months—commencing on July 21, 2017, and ending on January 17, 2020. Additionally, the Building Official may issue a Conditional Certificate of Occupancy to owners/tenants upon approval of a compliance plan, which will allow occupancy of the unpermitted existing building during the timeframe of the compliance plan so long as the building complies with the requirements of Section 6 of Ordinance No. 20170726. This policy lists the requirements for application and approval of a compliance plan and Conditional Certificate of Occupancy. Upon completion of the requirements in an approved compliance plan, an owner or tenant of an existing building can receive a standard Certificate of Occupancy.

PROCEDURE

Owners/tenants of existing buildings that have been modified or occupied without building permits may voluntarily disclose that their building has been modified or occupied without permits and may request a compliance plan, and if needed, a Conditional Certificate of Occupancy, from Community Planning and Development (CPD). The specific elements of a compliance plan are listed on the accompanying pages.

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 2 of 8

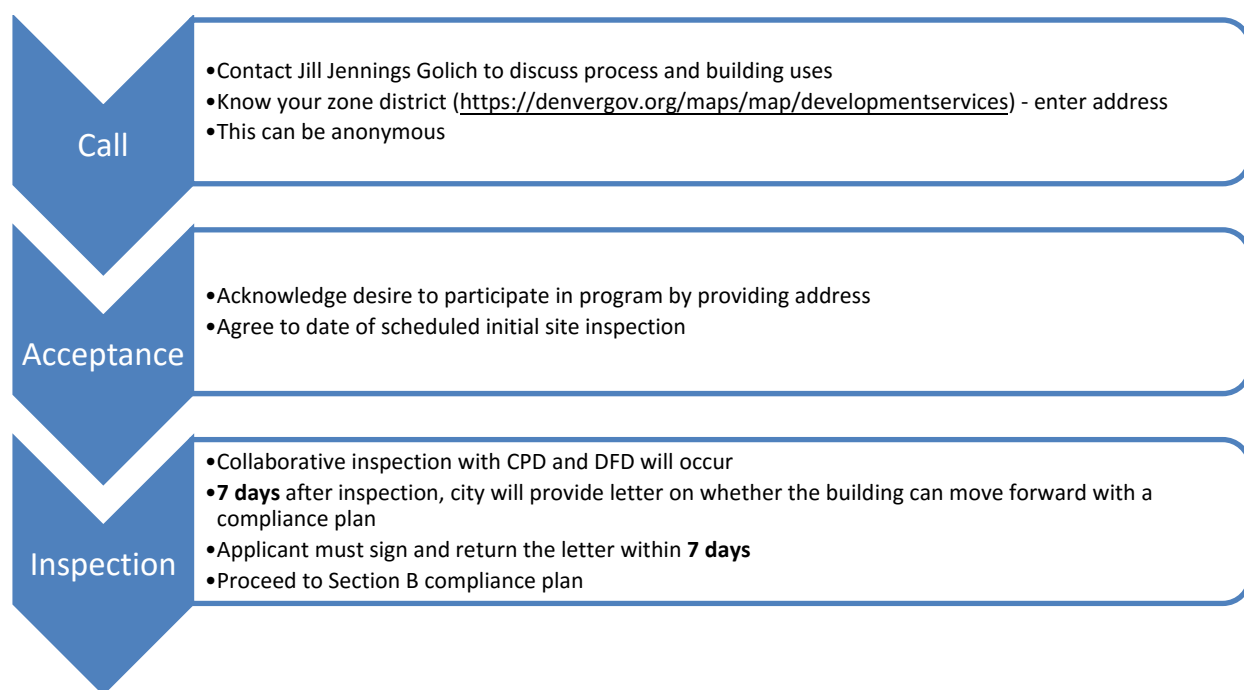
A. Eligibility for a compliance plan

CPD Deputy Director Jill Jennings Golich will be the initial point of contact for a compliance plan and Conditional Certificate of Occupancy, and can be reached at 720.865.2909 or jill.jenningsgolich@denvergov.org. Applicants needing more information before committing to a compliance plan can contact Jill Jennings Golich anonymously.

Once the applicant acknowledges the requirements of the compliance plan process and provides enough information about their building (e.g., an address and how the space is being used) for CPD to determine that the uses are allowed by the zoning code of the City and County of Denver (which may require a meeting), CPD and the Denver Fire Department (DFD) will work with the applicant to schedule a group inspection to assess the building’s use(s) and present condition. Within seven days of the inspection, the Building Official will determine whether the property in question conforms to the provisions of this policy and Ordinance No. 20170726. The applicant will receive written notification from the Building Official and the Fire Official that the applicant may propose a compliance plan and whether the property is eligible for a Conditional Certificate of Occupancy. Upon receipt of this written notification, an owner or tenant has seven days from the date on the letter to sign and return the written notification to indicate their acceptance of the compliance plan process. The applicant’s signed acceptance marks the formal start of the compliance plan process. At this point a project log number will be created for this project by CPD.

If after the initial inspection, the Building Official or Fire Official determine that the building poses a dangerous fire hazard or a dangerous hazard to life, health, property or public welfare, then the Building Official will notify the applicant that he/she is not eligible for a Conditional Certificate of Occupancy. The applicant may continue forward with a compliance but cannot reoccupy the space until any immediate life safety repairs or modifications are permitted and constructed. If the applicant chooses not to continue with the compliance plan process, the city will issue an order to comply.

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 3 of 8



B. Compliance Plan Submission

Through this process, the applicant and the City will collaborate to identify what corrections are required and the appropriate path to meet Code requirements. The applicant must secure the services of an architect and/or engineer to prepare the compliance plan and associated building plan review submittals. Accordingly, any meetings scheduled with the City and its architectural/engineering specialists will require that the applicant’s architect, engineer and/or code consultant be in attendance.

The applicant must comply with the timeline below (measured in calendar days from the date the applicant agrees to participate in the compliance plan process via a signature on the City’s letter), or the Building Official will not approve a compliance plan. Note that the initial building inspection occurs prior to the start of this timeline.

- **Within seven (7) days of accepting the compliance plan process:** Meet with the Building Official and Fire Official, and other staff and/or agencies as needed, to confirm use/provisions of the compliance plan process.
- **Between day seven (7) and day fifty-nine (59) during development of the compliance plan:** The applicant must schedule the following number of meetings with appropriate City staff to review code analyses, drawings and proposed code compliance plan details:
 - For buildings regulated under the International Residential Code – 2 meetings

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 4 of 8

- For buildings regulated under the International Building Code – 3 meetings
This is the minimum number of meetings required; there may be more depending on the project.
- **Within sixty (60) days, submit a compliance plan for city review and approval.** This will require the items listed below.
 - 1. For any buildings regulated by the International Building Code (IBC), those seeking a change in occupancy from the IBC to the International Residential Code (IRC), IRC single-family and duplexes greater than two stories, and IRC townhomes:**
 - Provide a letter from the building owner authorizing participation in the process if the applicant is a tenant of the building.
 - Provide a building code analysis including, but not limited to the following:
 - Building square footage and number of stories
 - Construction type of building and last permitted use(s)
 - Desired occupancy classification of the building
 - Height of building and number of stories
 - Occupant load for each use
 - Egress plan
 - Type of fire alarm and detection systems currently in place
 - Gross area in square feet for each occupant
 - Number of plumbing fixtures
 - Electrical service size
 - Provide a description of all unpermitted electrical equipment installed, including panels, transformers, lighting, and any equipment requiring power.
 - Provide schematic drawings of all proposed changes or additional work that might be needed, including previously unpermitted work to be retained, in order to have the building permitted per the Code for its proposed use.
 - Provide details on how you will verify that the unpermitted work meets code – this may be through such things as field verification, submitting equipment listings, submitting construction documents for building permits, etc.
 - Provide a schedule of when building plan review submittals will be received for all required work, and tentative construction start date(s).
 - Additional Code requirements may apply as necessary, depending on building occupancy type, permit scope, project/use complexity, etc., and may be determined during the applicant’s meetings with CPD and/or DFD.
 - 2. For any single-family or duplex structure that is two stories or less and is regulated by the International Residential Code (IRC) (does not include buildings that may be seeking to change to an IRC structure, those that are more than two stories, or IRC townhomes):**
 - An architect/engineer or a Class C licensed contractor or above must submit to CPD a signed and dated letter (sealed if prepared by an architect/engineer) following

**CITY & COUNTY OF DENVER
COMMUNITY PLANNING & DEVELOPMENT
BUILDING PERMIT POLICY**

Subject: Compliance Plan and Conditional Certificate of Occupancy

Approved: Scott V. Prisco, AIA - Building Official

**Number: ADMIN 132.9 & Ordinance No.
20170226, Series of 2017**

Effective Date: July 21, 2017

Page 5 of 8

inspection of any unpermitted work. The letter must clearly document the structural integrity of the work that was completed, verify the means of egress for any added bedrooms, and verify whether the foundation for any additions or modifications of previously unconditioned space meets Code requirements.

- If a “pop top” or other vertical addition(s) were made to the house, then, in addition to the elements listed above, a structural engineer must complete an inspection and provide a written assessment of the structural integrity of the existing home and addition.
- A licensed electrical and/or mechanical contractor is also required to inspect and then submit to CPD a signed and dated letter following the inspection of any mechanical or electrical equipment/lighting/outlets, etc. that were added without permits. The inspection and letter must document what was added and if it is safe and in good working condition.
- Upon receipt of the letter(s), CPD and DFD will conduct an inspection.
- The compliance plan must also include whether there are any elements that must be fixed based upon the outcome of the inspection(s), a floor plan drawn to scale, a schedule of when building plan review submittals will be received for all required work, and tentative construction start date(s).
- **City review of submitted compliance plan:**
 - City comments, if the compliance plan is not approvable as submitted, will be provided within fourteen (14) days from the date of receipt of a compliance plan submittal.
 - Any revisions required to the compliance plan must be resubmitted within fourteen (14) days of receiving comments from the city.
 - No more than three (3) resubmittals of a compliance plan will be allowed. Should a third resubmittal be needed, a meeting between the city and applicant, including the applicant’s architect and/or engineer, must occur to reach an understanding on what the compliance plan must contain to satisfy the comments.
- **By day sixty (60):** With submittal of the compliance plan, the applicant must also submit for any required zoning or other city permits (such as a Sewer Use and Drainage Permit).

C. After Compliance Plan Approval

- **Once a compliance plan is approved by CPD & DFD:** The applicant, the Building Official, and the Fire Official must sign an approval letter outlining the terms and conditions of the compliance plan. CPD & DFD may then issue a Conditional Certificate of Occupancy, if one was requested.
- **Between Compliance Plan Approval and Day 365:** Submit construction documents or other documents as indicated in the approved compliance plan to receive building permits.
- **Regularly scheduled inspections:** An inspection group composed of DFD, CPD, and Department of Environmental Health (if necessary) members will schedule inspections on a regular basis to review compliance with the plan. All normal construction inspections associated with each

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 6 of 8

specific permit must be requested and passed in accordance with standard practices outlined in the Code and are the sole responsibility of the applicant.

- **Completion of the compliance plan and issuance of a Certificate of Occupancy:** The building, or portion of the building, covered by the compliance plan, and Conditional Certificate of Occupancy if applicable, must meet the requirements of the Code upon completion of the compliance plan. Once all compliance plan work is completed, the last step is for the applicant to obtain a change of use permit by submitting a letter describing the change of use and submitting the final floor plan, if it has not already been submitted by this point. The letter must provide a description of and confirmation that the use(s) of the building are as indicated in the compliance plan, and that all work associated with the compliance plan, and all other relevant permits, have been completed. This permit can be issued to the applicant (if no other work is involved in this final step). Inspections will need to be called for the various agencies identified. Once all required agencies have approved inspections, CPD will issue a full Certificate of Occupancy.
 - Additions to structures regulated by the IRC that go through the compliance plan process will not receive a new Certificate of Occupancy, as Denver does not issue a Certificate of Occupancy for residential additions when the use is not changing.

The Building Official will revoke an approved compliance plan or Conditional Certificate of Occupancy if the applicant fails to adhere to any conditions of the accepted compliance plan, including failing to adhere to any timeframes in the compliance plan. A revocation of a compliance plan will result in an order to comply issued to the owner/tenant requiring that all unpermitted work be corrected and completed within 30 days. A revocation of a Conditional Certificate of Occupancy shall require an order to vacate. A failure to receive required zoning permits will also cause the compliance plan and Conditional Certificate of Occupancy to be revoked.

ZONING PERMITS

The Conditional Certificate of Occupancy classifies a building's use, or occupancy, per the Code only and does not substitute for zoning permits. Zoning permits are required if a change of use under the zoning code has occurred (e.g., changing from a warehouse or church/religious assembly to commercial or residential use), or if the proposed construction work will require modifications to the building's exterior. A Conditional Certificate of Occupancy will not be issued until all required zoning permit applications have been submitted for review and found to be complete by zoning staff according to the zoning code for the City & County of Denver. The applicant must obtain zoning permit(s) within ninety (90) days of receiving approval of a compliance plan, unless a site development plan is required. The Zoning Administrator may grant an extension to this 90-day requirement, for good cause, including but not limited to showing that a development was delayed by economic or physical problems beyond the applicant or property owner's control, or a variance is needed from the Board of Adjustment.

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: Compliance Plan and Conditional Certificate of Occupancy		
Approved: Scott V. Prisco, AIA - Building Official		
Number: ADMIN 132.9 & Ordinance No. 20170226, Series of 2017	Effective Date: July 21, 2017	Page 7 of 8

A final Certificate of Occupancy shall not be issued until all required zoning permits have been approved, all construction or site improvement work authorized by such zoning permits have been completed, and all other zoning violations identified during inspections have been fully remedied.

POSTING OF CONDITIONAL CERTIFICATE OF OCCUPANCY

Applicants must post a Conditional Certificate of Occupancy in the same manner as described in Administrative Section 142.9 of the Code. The Code is available at www.denvergov.org/buildingcode.

TIMEFRAME EXTENSIONS

Applicants may apply for a compliance plan and Conditional Certificate of Occupancy only during the period of July 21, 2017, through January 17, 2020. An approved compliance plan may last for 365 days. If an applicant requires more than 365 days to complete the compliance plan, the applicant must notify the Building Official in writing 30 days before the 365-day period has passed and must receive approval from the Building Official for an extension of time. The written request must include a justification for this extension and an anticipated date when work will be completed. The Building Official may grant this extension if any of the following criteria are met: (1) difficulty in securing the services of design professionals or licensed contractors (applicant must demonstrate that they have attempted to secure services), (2) economic or physical problems beyond the applicant or property owner’s control, (3) transfer of building ownership, or (4) some other situation outside the control of the applicant.

The Building Official may revoke any compliance plan or Conditional Certificate of Occupancy for requests of extensions of time submitted by an applicant less than 30 days prior to the expiration of the compliance plan.

LIFE SAFETY CONCERNS ARISING DURING THE TIMEFRAME OF A COMPLIANCE PLAN

The Building Official and/or Fire Official will issue an order to vacate to all or a portion of a building subject to a compliance plan and Conditional Certificate of Occupancy if, during any regular inspections, a dangerous life safety condition(s) is found to exist in the building, regardless of progress made under a compliance plan.

INSPECTIONS

The applicant is responsible for requesting and complying with all standard construction inspections as work progresses.

FEES

Any work to be completed under the compliance plan will incur standard permit fees as outlined in ADMIN Policy 138 Permit and Inspection Fees; however, any additional fees typically applied to unpermitted work will be waived under this policy as outlined in Ordinance No. 20170726.

**CITY & COUNTY OF DENVER
COMMUNITY PLANNING & DEVELOPMENT
BUILDING PERMIT POLICY**

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**Number: ADMIN 132.9 & Ordinance No.
20170226, Series of 2017**

Effective Date: July 21, 2017

Page 8 of 8

TRANSFERABILITY

Should a building owner or tenant change prior to the completion of the compliance plan process and receipt of a Certificate of Occupancy, any new building owner or tenant will need to sign a letter assuming responsibility for completion of the compliance plan and all associated requirements.

END OF DOCUMENT