

Certificate of Occupancy Procedures

REQUIRED

The Certificate of Occupancy shall be posted in a visible place on the premises. It shall not be removed except by a City of San José building official.

FEES

The fee for research done to establish a Certificate of Occupancy is listed in the Building Fee Schedule on the City website at <http://www.sanjoseca.gov/index.aspx?nid=415>.

Single family (R-3) or utility (U) occupancies or individual units in R-1, R-2 and R-6 occupancies DO NOT NEED a Certificate of Occupancy. For all other types of properties, issuance of a **Certificate of Occupancy** is required before using or occupying a building or structure, or before changing the type or character of occupancy of a building.

Building complexes. Each building in a complex requires its own Certificate of Occupancy, including: apartments of 3 or more units, condominiums, hotels and motels, guest houses, residential care or service facilities, emergency residential shelters, and fraternities and sororities.

PROJECTS THAT REQUIRE A CERTIFICATE OF OCCUPANCY	PROJECTS THAT DO NOT QUALIFY FOR A CERTIFICATE OF OCCUPANCY
<ul style="list-style-type: none"> ▪ A newly constructed building or structure built for a specific use and occupant 	<ul style="list-style-type: none"> ▪ When permits are issued only for plumbing, mechanical or electrical work
<ul style="list-style-type: none"> ▪ An interior finish of a shell for a specified occupant 	<ul style="list-style-type: none"> ▪ Building shell or speculative improvement that is not for any specific use
<ul style="list-style-type: none"> ▪ A tenant improvement for a change in use or change in the existing occupancy classification 	

DUPLICATE CERTIFICATE OF OCCUPANCY

A duplicate Certificate of Occupancy may be issued if permit research can verify that the character of the occupancy classification is not changing. The duplicate Certificate of Occupancy will be issued based on a successful final inspection for the original permit.

Fee: 30-minute minimum at the hourly rate for permit research listed in the Building Fee Schedule.

PROCEDURE WHEN THERE IS NO APPROVED FINAL INSPECTION

A Certificate of Occupancy will be issued to the owner by the building inspector upon approval of final inspection. If a tenant requests a Certificate of Occupancy and there is no approved final inspection substantiating the current occupancy classification of the building, the following procedure applies:

- **Plan Review** – Complete the [Commercial/Industrial Plan Check Submittal Form](#). A full set of detailed floor plans must be submitted with the form, noting the use of each space within the facility. The plan review will verify that the proposed occupancy classification complies with current code.
Fee: 30-minute minimum at the hourly plan check rate listed in the Building Fee Schedule.
- **Permit and Inspection Requirements** – After the plan review is completed, a permit will be issued. The applicant must then schedule an inspection to verify that conditions match the approved plan.
Fee: 1-hour minimum at the permit/inspection rate listed in the Building Fee Schedule.
- **Construction Work Without Permits** – Permits must be obtained for all construction work that cannot be substantiated by previous permit history. All permits issued will be subject to current codes.
Fees: In addition to plan check and permit fees, an investigation fee will be assessed to cover the cost of investigating the work that was done without permits and inspections. The investigation fee will be equal to the amount of the permit fee.