



Pittsburgh Department of City Planning

OCCUPANCY HISTORY REPORT

WHAT IS AN OCCUPANCY HISTORY REPORT?

An Occupancy History Report is needed when an applicant asserts that a legal use exists where there is no valid Certificate of Occupancy on file. This report collects evidence to determine whether a property which does not meet current Zoning Code requirements can be certified as a legal continued use.

WHAT ARE THE CRITERIA FOR DETERMINING A CONTINUED USE?

In 1958, the Zoning Code was amended to require a Certificate of Occupancy for any use/structure. A continued use must have been established on the property prior to 1958 and continually used in that way since that time.

For example: a property built as a Two Unit Dwelling in 1946 and which has never been converted to something else would be considered a continued use. On the other hand, a property used as a Two Unit Dwelling in 1950 which was converted to a Single Unit Dwelling in 1975 and converted back to Two Unit in 2002 without the required permits is **not** a continued use.

Please note! The land use codes on the county real estate website are not the same as the City's land use codes, and have *no bearing* on the City's zoning and occupancy regulation.

HOW DO I REQUEST AN OCCUPANCY HISTORY REPORT?

If your property does not have a Certificate of Occupancy, and you believe the current use has been in place since before 1958, you may request an occupancy history report be completed. You can apply for this on the OneStopPGH portal by submitting a Building and Development Application, or in person at the OneStopPGH counter, at 412 Boulevard of the Allies, Monday-Friday from 9AM-3PM.

WHAT EVIDENCE IS COLLECTED?

The applicant will be asked to provide evidence to support the request, including pictures of the exterior and interior of the site to show existing conditions (ex: if the request is for a Two Unit Dwelling, the applicant will be asked for pictures of the two entrances to the separate units, the two electrical meters, two furnaces, two kitchens, etc). Zoning staff are not authorized to make field visits to the site.

In addition to the evidence provided by the applicant, Zoning staff will check several historic sources, including Polk's Pittsburgh City Directories from the 1950s; Sanborn Atlas Fire Insurance Maps; and previous applications made with the Zoning Division.

HOW IS THE EVIDENCE EVALUATED?

If the collected evidence clearly supports the case that the use was established and used continually since before 1958, then the request may be certified administratively. For example, a side-by-side duplex built prior to 1958 that shows up on the Sanborn Maps as a side-by-side duplex and still has two separate front doors, two kitchens and two meters could be approved administratively.

If there is insufficient or inconclusive evidence, the request will be denied. The Department does not have the authority to approve uses for which there is inconclusive evidence. For example, a building which was constructed before 1958 as a single-unit dwelling and converted at some point to two units, with no historic evidence other than current photos of the interior, would likely **not** be considered sufficient evidence for approval.

WHAT ARE THE NEXT STEPS IF THE USE IS CERTIFIED?

If Zoning staff determine that the use can be certified administratively, the zoning approval will be issued. Review from the Department of Permits, Licenses and Inspections for Building Code compliance may also be required. All applicable Building Code requirements also need to be met and are separate from the Zoning Code.

WHAT ARE MY OPTIONS IF THE REQUEST IS DENIED?

If Zoning staff determines that there is either insufficient or inconclusive evidence, the applicant has the option to apply to the Zoning Board of Adjustments (ZBA) for a review of the evidence. Please see the handout on the ZBA process for more information. Alternatively, the applicant can comply with the current Zoning Code requirements.

WHAT FEES APPLY?

If the request is certified, the standard Basic Zoning Review fees will apply. If the request is denied and the applicant applies to the ZBA, standard ZBA hearing fees will apply. Building permit fees may also apply.

FOR MORE INFORMATION:

Contact the Division of Zoning and Development Review at 412-255-2241 or zoning@pittsburghpa.gov.