



Temporary occupancy before compliance with building code requirements

809 N. Broadway Milwaukee, WI 53202-3617 414-286-8211

It is possible to request a temporary occupancy certificate to allow the use of a building that has not yet passed inspection, and is not yet in compliance with applicable construction, plumbing and electrical codes. Issuance of a temporary occupancy certificate for buildings that do not comply with building codes is strictly at the discretion of the Department of Neighborhood Services. The objective of DNS is to facilitate development as long as the safety of the public is protected and efforts to comply with the code are underway.

The decision to grant a temporary occupancy certificate can be made only after evaluation of the following questions:

1. Does failure to comply with a particular section of the building code pose a risk to people who use the building? How great is the risk?
2. What effort is the applicant making to meet the code requirement?
3. Will the applicant install temporary measures that provide an equivalent measure of safety to people using the building?

Some temporary occupancy requests cannot be approved because of the safety risk or because the applicant and DNS cannot agree on equivalent safety measures.

Before applying for a temporary occupancy certificate, the applicant should discuss the matter with the inspector who indicated that the building does not comply with the code. The inspector will be asked for his or her recommendation about granting a temporary occupancy.

After talking with the inspector, contact the Office of the Commissioner of the

Department of Neighborhood Services to apply for a temporary occupancy. The office is located on the 1st floor of the Zeidler Municipal Building, 841 N. Broadway. The phone number is (414) 286-2543. The fee for a temporary occupancy certificate is either \$100 or \$150, depending on the size of the building.

The time required to determine if a temporary occupancy certificate will be granted depends largely on the advance preparation by the applicant. If the applicant and inspector have reached agreement on temporary measures to protect the safety of those using the building, the process can be completed in a day or two. However, if the applicant has not come to agreement with the inspector, the decision will be delayed.