

## **Why Occupancy Inspections?**

One of the most important obligations that a municipality has to its residents is to protect their health, safety and welfare. The dwelling inspection program is an effective tool designed to help the city of Rock Hill avoid unsafe property conditions and unsightly neighborhood deterioration which ultimately have a negative effect on all property values.

It is the building department that makes certain that any new construction or work being done on existing buildings is done according to Rock Hill codes. The new ordinances enhance the existing code, covering property maintenance.

The department of code enforcement has the responsibility of keeping the community from becoming run down and to preserve the integrity of its existing housing stock. The vast majority of Rock Hill property owners maintain their property. However, when a situation exists that is deemed detrimental to the residents or contributes to the general deterioration of the area, the code enforcement officer is required to take the appropriate action to get the situation abated.

Because property owners maintenance benefits EVERYONE, we are sure property owners will do everything possible to avoid violation citations and will rectify in a timely fashion any unhealthy or unsightly conditions that may exist

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The Certificate of Occupancy inspection is a visual inspection, including the interior and exterior of the property. The inspector will look for such items as: paint and trim; gutters; accessory buildings; interior mechanical systems such as heat, electric and plumbing; interior and exterior structural soundness; safety features; and space requirements. This inspection process aids in bringing houses within the city into substantial compliance with the City Property Code, Building Code, Zoning Ordinance and other applicable laws, ordinances and regulations.

# Why do I need an occupancy permit or certificate of final inspection?

In addition to the responsibility of the Relevant Building Surveyor ensuring that a building permit is finalised, it is in the best interests of the owner and builder that building work has been satisfactorily completed and that an occupancy permit or certificate of final inspection has been issued. An owner should complete the building work and obtain the required permit or certificate for the following reasons:

- Section 39 of the Building Act 1993 requires that - where a building permit states that an occupancy permit is required for the building, it is an offence for a person to occupy the building unless the occupancy permit has been issued. Therefore, it is the owner's responsibility to ensure that the occupancy permit has been issued.
- An insurance policy may be rendered invalid if a building is occupied without a required certificate of final inspection or occupancy permit.
- When an owner wishes to sell a property, prospective purchasers will want to know that any building permit issued in relation to the property has been finalised by the issue of a certificate of final inspection or occupancy permit as required. Particulars of a building permit are required to be included in the Section 32 Sale of Land Act statement for the sale of the property.
- The warranty period is triggered by the date of issue of the occupancy permit or certificate of final inspection. This period is extended beyond the time necessary through delaying the obtaining of the certificate or permit.
- The owner and builder should also be aware that under a major domestic building contract, the builder may not seek final payment until the building work is complete (apart

from rectification of any minor defects) and an occupancy permit or a certificate of final inspection has been issued. The owner may refuse final payment if the certificate or permit has not been issued. If an occupancy permit or certificate of final inspection is refused by the Relevant Building Surveyor because of defective or non-complying building work undertaken by a builder, the builder is responsible for rectification of this work.

- If a building permit lapses but building work continues, that building work may have been required to be inspected at one of the mandatory inspection stages. It is difficult to authenticate the compliance of building work after it has been completed. The Relevant Building Surveyor may refuse to approve the work or may require destructive tests to be undertaken to be satisfied that the work is appropriate.
- If building work is completed without obtaining the necessary mandatory inspections required by the building permit, then enforcement proceedings can be taken in accordance with Part 8, Section 106 of the Act. A building notice can be issued by the Relevant Building Surveyor to the owner. If the owner does not respond to the building notice to the satisfaction of the Relevant Building Surveyor, then a building order could be issued. Any outstanding notice or order could prevent or delay a sale of the property.
- If a building permit lapses and building work is not complete, a new building permit will be required to be issued to enable completion of the unfinished building work. This would require a new application for the issue of a building permit for the unfinished building work. The Relevant Building Surveyor will require plans that show the work to be completed and payment of fees and levies relative to that work will need to be paid. The application must be made to the same building surveyor who issued the original building permit unless a termination of his or her appointment has been obtained.
- A building owner cannot terminate a private building surveyor's appointment unless written consent is obtained from the Building Commission. An application for consent to terminate should be directed to the Manager, Advice and Assessment Unit at the Building

Commission. [Terminating the appointment of a building surveyor](#)

- Owners of certain buildings (buildings other than a house) have a legal responsibility to ensure that maintenance of essential safety measures is carried out and an annual essential safety measures report is completed. At the time of issuing an occupancy permit or certificate of final inspection the Relevant Building Surveyor will assess the building and list the essential safety measures in the building and how they are to be maintained in accordance with Part 12 of the Regulations. [More](#)
- A builder may need to supply his or her insurance provider evidence of satisfactory completion of previous contracted projects in order to commence further work.

