	BUILDING DEVELOPMENT POLICIES AND PROCEDURES COMMERCIAL	Effective Date: March 31, 2023
		Supersedes Policy Dated: April 25, 2019
	2.4 Joint Occupancy Evaluation Program	Issued by: <i>S.M.M.</i> Eric M. Mays, P.E. Building Official

OVERVIEW

The Joint Occupancy Evaluation (JOE) Program has been developed to help facilitate the issuance of an Administrative Approval Letter or a new Certificate of Occupancy for an existing commercial tenant space or building. The application for this program can be found [here](#).

Projects that have complex safety requirements are not eligible for the Program. Those projects will require a Tenant Layout Plan/Permit Application, which will require plan review, permitting, and approved inspections prior to the issuance of a Certificate of Occupancy. The following tenant projects are not eligible for the JOE Program:


- Change of Occupancy, unless specifically addressed in this policy
- New patient treatment rooms (human)
- New hair salons
- New nail salons
- Shell Buildings (refer to [Policy 1.5 Commercial Partial Permitting Process for Shell Buildings](#))
- Tenant space without any previously issued Certificate of Occupancy, unless specifically addressed in this policy

Based on the Program's criteria, a proposed eligible project will be assigned one of the following categories:

1. JOE Level 1 – An Administrative Approval Letter, not a Certificate of Occupancy, is issued to the new tenant, and the Fire Marshal's Office will conduct a Fire Safety Inspection within 90 days after the tenant has opened their business.
2. JOE Level 2 – A Certificate of Occupancy is issued to the new tenant. Joint Safety Inspections are conducted by Building Development and the Fire Marshal's Office. The Building Official may require a Virginia Registered Design Professional (VRDP) or appropriate Licensed Contractor to conduct all or a portion of the safety inspection. All safety deficiencies must be corrected prior to the issuance of the Certificate of Occupancy.

ENGAGING A VRDP OR LICENSED CONTRACTOR:

There are circumstances where the Building Official requires a VRDP or an appropriately Licensed Contractor to conduct a complete or partial safety inspection to assist in achieving safe,

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compliant building/tenant spaces for occupancy. The JOE Program may utilize this authority when appropriate, and engagement may be required at any time during the application, inspection, and approval process. Any of the following circumstances will require licensed professional engagement coupled with the JOE process to achieve occupancy:

1. Multiple Buildings on a single lot
2. Multiple fire areas within a building
3. Buildings/tenant spaces over 3 stories in height
4. Buildings/tenant space with an aggregate area exceeding 15,000 square feet
5. Complexity or totality of corrective items found on JOE inspections
6. Code of VA thresholds for VRDP engagement (VAC 54.1-402 and 54.1-410)

The VRDP or Licensed Contractor must submit a code analysis report to the Building Official with recommendations for review and approval before any work or authorization for occupancy. If the scope of the required corrective work is extensive and exceeds that of a typical JOE safety inspection, the project may become ineligible to participate in the JOE Program and will be required to be submitted through the Tenant Layout Plan/Permit Process.

DEFINITIONS:

Alteration: Any construction or renovation to an existing structure other than a repair or addition. Examples include adding/relocating/upgrading walls, plumbing, electrical work, and mechanical appliances/ducts/equipment (including cooking equipment).

Change of Occupancy: Any change in the occupancy classification of a building or structure or any change in the purpose of, or a change in the level of activity within, a building or structure.


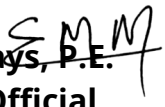
JOE CATEGORIES AND PROCESS:

1. Tenant Projects – JOE Level 1

Zoning Occupancy Permit Approval and Certificate of Occupancy Previously Issued

The JOE Level 1 is typically a counter approval, and a safety inspection is not conducted prior to occupancy. The Fire Marshal’s Office will conduct a Fire Safety Inspection within 90 days of the issuance of the Administrative Approval Letter.

The new tenant is the same Building Code Occupancy Classification as the previous tenant. Cosmetic improvements, such as the installation of floor coverings or painting, are allowed.

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The following Occupancy Classifications are excluded from the JOE Level 1 but may be eligible for the JOE Level 2:

- Business (B): Patient Treatment(Human), Hair/Nail Salons, and Restaurants
- Assembly (A): Night Clubs or Restaurants (A-2), Religious Worship (A-3)
- Factory (F-1)
- Storage (S-1): Motor Vehicle Repair, excluding unpermitted/unapproved high pile and rack storage

Building Development will conduct an administrative record evaluation. If a Certificate of Occupancy was previously issued and the proposed occupancy classification is consistent with that Certificate of Occupancy, Building Development will issue an Administrative Approval Letter to the applicant acknowledging that a new Certificate of Occupancy is not required, and a safety inspection will not be required. Open and abandoned permit case information will be noted on the letter and must be resolved within 90 days of the Administrative Approval Letter issuance.


If the applicant requests a new Certificate of Occupancy, the Virginia Uniform Statewide Building Code mandates that a safety inspection be conducted, and the project will be placed in the JOE Level 2 category.

2. Tenant Projects – JOE Level 2

Zoning Occupancy Permit Approval and one of the following:

- a. Occupancy Classifications excluded from Joe Level 1;**
- b. Change of Occupancy allowed by the JOE Program;**
- c. No Certificate of Occupancy, the previous tenant occupied prior to January 1, 2005; or**
- d. Safety Inspection or new Certificate of Occupancy requested by the tenant**

Building Development will conduct an administrative record evaluation. If there are open or abandoned permits associated with the tenant space, open permits must be resolved prior to the issuance of the Certificate of Occupancy. Building Development and Fire Marshal’s Office will conduct a JOE Safety Inspection. Work needed to correct any discovered safety violations may require additional permits and final inspections. A list of [Commonly Found Safety Violations in Existing Tenant Spaces and Buildings](#) is available to assist the customer. A floor plan/layout will be beneficial to the inspection process and is recommended to be included with the JOE application.

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The third failed/rejected JOE Safety Re-Inspection will result in a re-inspection fee being applied in accordance with Building Development [Policy 1.8 Inspections – Not Ready for Inspection](#). If the JOE Safety Re-Inspection is failed/rejected for items related to the Virginia Maintenance Code, a referral will be made to the Public Works Neighborhood Services Division for enforcement. Per the Virginia Construction Code, §108.8 Time Limitation of Application, applications shall be deemed abandoned six (6) months after the date of filing unless pursued in good faith. All fees associated with the JOE Program are non-refundable.

Existing Occupancy Classifications included in the JOE Level 2 are:

- Business (B): Patient Treatment(Human), Hair/Nail Salons, and Restaurants
- Assembly (A): Night Clubs or Restaurants (A-2), Religious Worship (A-3)
- Factory (F-1)
- Storage (S-1): Motor Vehicle Repair, excluding unpermitted/unapproved high pile and rack storage
- No previous Certificate of Occupancy Issued to Business (B), Mercantile (M), or Storage (S) Group (excluding high pile and rack storage), and the previous/current tenant occupied the space prior to January 1, 2005

Change of Occupancy included in the JOE Level 2 are:

- Assembly Group to Business Group
- Assembly Group to Mercantile Group when fire suppression is not required
- Assembly (A-1) or (A-2) Group to Assembly (A-3) Group
- Business Group to Storage Group when fire suppression is not required
- Mercantile Group to Business Group
- Mercantile Group to Assembly (A-3) Group with a calculated occupant load of less than 1 person per 60 square feet
- Mercantile Group to Storage Group (excluding unpermitted/unapproved high pile and rack storage)