



**BEXAR COUNTY FIRE MARSHAL'S OFFICE
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Subject: Residential Permitting and Certificates of Occupancy

To whom it may concern:

Texas State Law only allows Counties to adopt and enforce fire and building codes for construction of commercial buildings, public facilities, and multi-family residential properties with four (4) or more dwelling units. A Certificate of Occupancy is issued when construction of any of the above listed type of buildings is completed and the building has been inspected and found to be ready for occupancy and use, in accordance with Code.

In the State of Texas, County Government was not given authority by the State Legislature to regulate commercial construction until 1993, and even today, does not have authority to regulate residential construction.

Bexar County has adopted the International Fire and Building Codes, and also references the National Fire Protection Association standards and other standards that are applicable for fire protection systems.

Current State Law does not require residential properties to obtain a permit for construction or to be issued a Certificate of Occupancy. Residential properties are permitted on a voluntary basis only, and if submitted for permitting, will be charged a plan review fee, inspected in accordance with the International One- and Two-Family Residential Code, and upon completion of the construction will be issued a Certificate of Occupancy, if found to be in compliance with the code(s).

In order to be issued a residential Certificate of Occupancy, certain inspections (structural frame, electrical, plumbing, and HVAC) are required. Since these inspections cannot be conducted on a completed residential building without causing substantial damage to the building, a Certificate of Occupancy inspection cannot be completed.

In conclusion, residential properties are permitted only on a voluntary basis, and the Fire Marshal's Office cannot issue a Certificate of Occupancy for any residential structure that did not have a building permit issued prior to the start of construction and have the required inspections conducted by the Fire Marshal's Office.