

POLICY MEMORANDUM

Date: March 20, 2024

From: Davina Smith, Cannabis Program Manager

Re: Restoration of Pre-COVID Pandemic Policy Regarding Certificates of Occupancy

A certificate of occupancy (COO) is a document issued by the Chief Building Official of a jurisdiction which states that a structure is safe for the purpose to which it will be used and that it is in compliance with the building, fire, plumbing, electrical, and related codes.

As part of the permitting process, the Office of Cannabis Management (OCM) has required that a COO be submitted as part of the business operating permit (BOP) application and that no BOP would be issued without a COO. This was done to ensure that there would be no life, health, and safety issues with the use of permitted cannabis facilities; thereby, protect onsite workers, neighboring businesses, and the greater community.

However, as a result of the COVID pandemic and the City's work from home mandates, the City's Building Division (Building) was no longer able to conduct in-person inspections and issue COOs. Instead, Building conducted virtual inspections and issued temporary certificates of occupation (TCO) indicating that occupancy was allowed for only the time period listed on the TCO and which ranged from 15 to 180 days. In response, OCM temporarily changed its policy and began issuing BOPs as long as a current TCO was submitted and kept current by the BOP holder, and a COO was obtained as soon as they were issued again. A condition was also added to the face of the BOP, "The permit holder shall maintain a valid Certificate of Occupancy for the permitted site."

As the COVID pandemic work restrictions have ended, Building is once again able to conduct all field inspections and issue COOs. For this reason, OCM is restoring its previous policy as follows:

- A COO is required before a new BOP is issued.

For the businesses that received BOPs with TCO's between March 2020 and the date of this memo, the following policies are hereby adopted:

- Notice of the restoration of this policy will be provided to each BOP holder that does not have a COO.
- BOP holders with current TCOs must obtain and submit a copy of their COO to OCM on or before the expiration of their TCO or July 1, 2024, whichever is later.
- BOP holders that have allowed their TCOs to expire must obtain and submit a copy of their COO to OCM on or before May 1, 2024.
- Failure to obtain and submit a COO in accordance with these timelines will result in the revocation or denial of renewal of the BOP.