

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(OSHPD 3/21)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Office of Statewide Health Planning and Development (OSHPD) is making the following changes to the Initial Statement of Reasons for the proposed actions associated with this rulemaking.

Item 6

**CHAPTER 7 - SAFETY STANDARDS FOR HEALTH FACILITIES
ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS**

7-129. Time limitations.

A public comment was received to withdraw amendments to paragraph (c). This has been withdrawn as it did not apply to health care facilities. The other code change proposals in Section 7-129 remain unchanged.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

OSHPD has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to

the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed code changes was made available to the public for a 45-day comment period from September 3, 2021 until October 18, 2021. There was no subsequent public comment period.

OSHPD received one (1) comment from Richard Tannahill during the public comment period.

Item 6

CHAPTER 7 - SAFETY STANDARDS FOR HEALTH FACILITIES

ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

7-129. Time limitations.

Paragraph (c) was proposed to be amended to align with new statute in Assembly Bill 2913 for start of construction and Building Standards Commission language.

Commenter(s) and Recommendation (if applicable):

Richard Tannahill, OSHPD, Disapprove Section 7-129(c).

“Recommend revised language be withdrawn as it does not apply to healthcare facilities.” A new statute in Assembly Bill 2913 for start of construction is not applicable to health care facilities.

Agency Response:

OSHPD accepts the recommendation and amends the proposed regulation by withdrawing the code change proposal in Section 7-129(c). The code change proposals in Section 7-129(b) and (d) remain unchanged.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

OSHPD has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation. The proposed regulations will not have a cost impact to private persons.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.