

DOES MY PROJECT QUALIFY?

A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components that are currently causing a health and safety threat to the students and/or staff.

Projects solely to replace components that have reached the end of their useful life, perform routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, do not meet the qualifying criteria of the program.

FACTORS INCLUDE:

- » Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
- » Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility
- » Adverse air quality
- » Structural deficiency to the School Building, and
- » Site conditions such as faulting, toxic soil, or liquefaction

WHEN SHOULD I NOTIFY OPSC?

Contact the Office of Public School Construction (OPSC) any time you have questions. Your OPSC Project Manager or a member of the Facility Hardship Team can offer guidance and assist you with the preparation of your application/request. Please see OPSC's Program [Facility Hardship webpage](#) for more information.

There are multiple steps and state agencies involved in the application process. Early involvement by the appropriate jurisdictional agency such as the Division of the State Architect (DSA), the State Department of Health Services, etc., is required to corroborate any health and/or safety threat that exists in the facility. Early involvement with OPSC can help you create your plan of action.

FOR ADDITIONAL ASSISTANCE with your Facility Hardship request, please refer to OPSC's website at <https://www.dgs.ca.gov/OPSC/Services>, which provides direct access to program information, including:

- » SFP Regulations - see Section 1859.82.1
- » SFP Handbook, Section 9
- » SAB Forms
- » Project Manager County Assignments

To enrich the lives of California's school children as stewards of the taxpayers' commitment to education.

Facility Hardship and Seismic Mitigation Programs

Replacement/Rehabilitation

Regulation Section 1859.82.1 and 1859.82.2

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There are two types of Facility Hardship projects: replacement and repair

Which type is your project?

REPLACEMENT Cost to mitigate the health and safety threat is *greater* than 50 percent of the cost of replacement*.

REHABILITATION Cost to mitigate the health and safety threat is 50 percent or *less* of the cost of replacement*.

*Based on the Current Replacement Cost, as defined in School Facility Program (SFP) Regulation Section 1859.2 and outlined in SFP Regulation Section 1859.82.1

HOW DO I SUBMIT MY REQUEST?

DOCUMENTS FOR A COMPLETE APPLICATION FOR FUNDING

- » **Facility Hardship Request Checklist** of all the required documents. Available online on OPSC's Programs and Services webpage under Facility Hardship. (Optional)
- » **Industry Specialist Report** Identification and substantiation of the imminent health and safety threat and the minimum work necessary to mitigate the problem. Imminent health and safety threats are health and safety issues that are outside of the district's control or otherwise caused by extraordinary circumstances. Threats caused by lack of maintenance on the district's part may not qualify, as it was within the district's control.
- » **Governmental Concurrence** A governmental agency's written concurrence with the industry specialist's report is required, agreeing that there is an imminent health and safety threat and that the prescribed work is the minimum work necessary to mitigate the issue
- » **Mitigation Measures** A letter/narrative describing the corrective plan and alternatives.
- » **Facility Hardship Cost Estimate (Form SAB 58-01)** Unit cost breakdown of the minimum work necessary.
- » **Cost/Benefit Analysis** Comparison of the cost of mitigation work to the Current Replacement Cost as defined in SFP Regulation Section 1859.82.
- » **Site Diagram** Label ages and square footage of buildings in the project including identification of all classrooms. For applications that qualify for replacement funding, the district will need to provide detailed square footage information for the entire site.
- » **Photos** Photos of the affected area. (Recommended)
- » **Application for Funding** (Form SAB 50-04) Available online. For assistance in completing this form, please contact your OPSC Project Manager.
- » **DSA Plan Approval Letter** Letter from the DSA stating that the plans and specifications are approved. Some projects may not require DSA plan approval. In those instances, the district must submit a letter from the DSA stating that plan approval is not required.

Department of Education Site/Plan Approval

Approval letter from the California Department of Education (CDE).

Career Technical Education (CTE) Letter

Documentation from your CTE Advisory Committee stating that your district's CTE needs are being met.

REQUEST FOR CONCEPTUAL APPROVAL

A district may request a conceptual approval, which is a preliminary approval by the State Allocation Board (SAB) prior to having DSA approved plans for the project. After a conceptual approval, there is no time limit to submit a full funding application. For design approvals, full funding applications must be submitted by the district will have within 18 months of apportionment to submit a funding application. If the project includes site acquisition, you will have 24 months to submit a funding application.

Applications for conceptual approval would include all the documents required for a complete application with the exception of the DSA approved plans and associated approval letters, CDE approval letter, and the Career Technical Education advisory committee letter. The Form SAB 50-04 would only be submitted with a conceptual application if the district qualifies for Financial Hardship and is requesting a design apportionment.

SEISMIC MITIGATION PROGRAM

A Subset of the Facility Hardship Program

- » The Seismic Mitigation Program (SMP) is a subset of the Facility Hardship program that provides for the seismic repair, reconstruction, or replacement of the "most vulnerable" school facilities.
- » For more information on the Seismic Mitigation Program please visit it's website at: <https://www.dgs.ca.gov/OPSC/Services/Page-Content/Office-of-Public-School-Construction-Services-List-Folder/Access-Seismic-Mitigation-Funding>

FREQUENTLY ASKED QUESTIONS

Q When can I submit a Facility Hardship Project application?

Applications must be submitted to OPSC within 12-months of DSA approval, or 6 months from project completion, if the project does not require DSA approval.

Q Does a Facility Hardship approval mean the project is 100 percent funded?

No. A Facility Hardship application is treated identically to a New Construction (when a Replacement) or Modernization (when a Repair) project. In the same manner, the State/district contribution ratios are typically 50/50 or 60/40 funding, respectively, unless the district is a financial hardship district (up to 100 percent funding). Funding for Seismic Mitigation Program projects is provided on a 50/50 State/district contribution basis.

Q How long is the Facility Hardship approval process?

Many factors are involved when making a facility hardship determination. These are typically complex issues which require an in-depth, detailed analysis; however, these requests do receive a very high priority by OPSC and, due to the health and safety concern, are processed as quickly as possible. OPSC's Facility Hardship Team and the district's OPSC Project Manager will work closely with the district, its architect and other personnel to expedite the request. Time is required for analysis, the site visit, SAB publication timelines, and other essential steps. At the earliest, Facility Hardship applications are generally scheduled for an SAB meeting 90 to 120 days following OPSC's receipt of the application, depending on workload and the availability of essential documentation.

Q If insurance proceeds or site sale proceeds are realized in the course of a facility hardship project, are these monies a factor in the district's contribution?

Yes. For standard Replacement projects, 50 percent of the amount collectable by the district will be reduced from the Facility Hardship grant. For Rehabilitation projects, 60 percent of the amount collectable by the district will be reduced from the facility Hardship grant. For Financial Hardship projects, up to 100 percent of the amount collectable by the district will be reduced from the Facility Hardship grant.

Q Is an additional allowance provided for interim housing in Seismic Mitigation Projects under the Facility Hardship Program?

Pursuant to SAB action, Facility Hardship Seismic Mitigation Projects are not provided any additional interim housing allowance. However, interim housing costs are eligible expenditures for Facility Hardship Seismic Mitigation Projects.

Q While undergoing a Modernization project, the district discovered extensive dry rot and termite damage that has severely compromised the structural integrity of the building. It appears that costs to mitigate this problem will be excessive and will dramatically increase the costs of the originally planned modernization work. Is there a possibility that Rehabilitation funds could be made available for this portion of the project?

Yes. In some cases, there may be a possibility of supplemental funding if the structural condition is such that it meets the requirements for Rehabilitation, as defined in SFP Regulation Section 1859.83(e). If the district receives a conceptual approval for Rehabilitation, that approval will be for the minimum work necessary to mitigate the problem. The district would subsequently submit a complete Form SAB 50-04 funding application (for Rehabilitation). If the project is for a building, a cost-benefit analysis will be necessary to determine what funding the district will be eligible for. However, if the project is for a component of a school building or school site condition (e.g., HVAC, heater, boiler, walkway, sewer, etc.), then no cost-benefit analysis will be necessary. If funds are available at that time, the district will receive an approval that will be tracked separately from its Modernization application.

Q The district has a health and safety concern and wishes to demolish a building as soon as possible. Can this be done prior to a Facility Hardship approval?

The district must exercise caution in the timing of a building's demolition. OPSC is especially interested in visiting a potential facility hardship site to personally view the health and safety concern but will also make every effort to facilitate a timely resolution of the district's facility hardship request. It is equally important for the district to have the appropriate State agency, such as the DSA, visit the site prior to demolition. If the threat is due to the presence mold, OPSC must conduct a site visit to view the damage prior to remediation. The site visit may be conducted either in-person or virtually. If the remediation is done prior to a site visit, the application will be ineligible for funding. If health and safety concerns, construction timelines, or other factors necessitate an expedient demolition of a building, and the essential site visits have been conducted, the district may choose to proceed with demolition prior to SAB approval, but with the understanding that there is no guarantee of approval or subsequent funding and that the district moves forward at its own risk.