

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE AMENDMENT OF THE
2016 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(OSHPD EF 01/18)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

The purpose of this proposed action is to amend the 2016 California Administrative Code (2016 CAC) based upon new legislation, AB 2190, enacted since the adoption of the 2016 CAC. AB 2190 affords existing eligible hospitals with SPC-1 buildings the opportunity to apply for an extension to the January 1, 2020 seismic compliance deadline for a maximum defined period under the conditions identified in the express terms. The initial application must be submitted no later than April 1, 2019. The provisions within the express terms reflect language resulting either directly from this new legislation, or indirectly as needed to add specificity to its requirements.

Title 24, Part 1

Chapter 6 – Seismic Evaluation Procedures for Hospital Buildings

Section 1.2 Definitions –

New definitions were created for “Rebuild plan”, “Removal plan”, “Replacement plan”, and “Retrofit plan” in order to define the seismic compliance plan strategy that corresponds to maximum allowable time extension.

Section 1.5.1 Compliance deadlines – Adds a new condition for applicable owners to submit an attestation that their board of directors is aware of the January 1, 2030 deadline for substantial compliance with applicable seismic compliance regulations and standards.

Section 1.5.2 Delay in compliance – Adds item “9. Additional extension beyond January 1, 2020 for SPC-1 buildings”, which includes sub-items 9.1 through 9.4, that defines provisions for the new allowable time extensions for SPC-1 buildings including conditions of eligibility, maximum permissible extension based upon various factors such as compliance strategy and construction status, reporting requirements, fines for failure to comply, and adjustments to schedule.

Section 1.7 Notification from OSHPD – In order to reflect potential extension allowances, defined deadline dates have been replaced by general language stating “required seismic compliance dates or extension dates granted by the Office.”

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Assembly Bill No. 2190 (9/22/2018)
Health and Safety Code sections 130062 and 130066 as modified by AB 2190
2016 California Administrative Code, Title 24, Part 1

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Health and Safety Code (H&SC) Section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to these proposed regulations would be to leave regulations as they are which will be inconsistent with H&SC 18941, and the requirements of H&SC sections 130062 and 130066 as modified by AB 2190.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

There will be no adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The regulations proposed have no net overall cost impact on business, since they are equivalent to current requirements in the Code. These provisions only identify allowable time extensions for seismic compliance without incorporating any change to building standards. Minimal impact to hospital owners employing extensions will be incurred for quarterly reporting intended to validate compliance with seismic extension timeframes.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Office of Statewide Health Planning and Development (OSHPD or Office) has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

There will be no positive or adverse impact.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

There will be no positive or adverse impact.

C. The expansion of businesses currently doing business within the State of California.

There will be no positive or adverse impact.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

There will be no positive or adverse impact.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

The regulations proposed will have no overall cost impact. They provide only for potential time extensions for eligible hospitals' seismic compliance of SPC-1 buildings, based upon their upgrade strategy and other factors. No change to technical building standards is included.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

These regulations do not duplicate or conflict with federal regulations.