

# REVISION RECORD FOR THE STATE OF CALIFORNIA

## SUPPLEMENT

July 1, 2024

### 2022 Title 24, Part 1, California Administrative Code

#### General Information:

1. The date of this Supplement is for identification purposes only. See the History Note Appendix on the backside or accompanying page.
2. This supplement is issued by the California Building Standards Commission in order to provide new and/or replacement pages containing recently adopted provisions for the 2022 *California Administrative Code*, California Code of Regulations, Title 24, Part 1. Instructions are provided below.
3. Health and Safety Code Section 18938.5 establishes that only building standards in effect at the time of the application for a building permit may be applied to the project plans and construction. This rule applies to both adoptions of building standards for Title 24 by the California Building Standards Commission, and local adoptions and ordinances imposing building standards. The new building standards provided with the enclosed blue supplement pages must not be enforced before the effective date.
4. Not all code text on the enclosed blue supplement pages is a new building standard. New, amended, or repealed building standards are identified by margin symbols. An explanation of margin symbols is provided in the code before the Table of Contents.
5. You may wish to retain the superseded material with this revision record so that the prior wording of any section can be easily ascertained.

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Item No. 5510S222



# CALIFORNIA CODE OF REGULATIONS, TITLE 24

## California Agency Information Contact List

The following state agencies may propose building standards for publication in Title 24. Request notice of such activity with each agency of interest. See Sections 1.2 through 1.14 of the California Building Code (Part 2 of Title 24) for more detailed information on the regulatory jurisdiction of each state agency.

### **Board of State and Community Corrections**

www.bscc.ca.gov ..... (916) 445-5073  
Local Adult and Juvenile  
Detention Facility Standards

### **California Building Standards Commission**

www.dgs.ca.gov/bsc ..... (916) 263-0916  
State Buildings including UC and  
CSU Buildings, Parking Lot and Walkway Lighting,  
Green Building Standards for Non-residential Buildings

### **California Energy Commission**

www.energy.ca.gov ..... **Energy Hotline** (800) 772-3300  
Building Efficiency Standards  
Appliance Efficiency Standards  
Compliance Manual/Forms

### **California State Lands Commission**

www.slc.ca.gov ..... (562) 499-6312  
Marine Oil Terminal Standards

### **California State Library**

www.library.ca.gov ..... (916) 323-9843

### **Department of Consumer Affairs:**

**Acupuncture Board**  
www.acupuncture.ca.gov ..... (916) 515-5200  
Office Standards

**Board of Pharmacy**  
www.pharmacy.ca.gov ..... (916) 518-3100  
Pharmacy Standards

**Bureau of Barbering and Cosmetology**  
www.barbercosmo.ca.gov ..... (800) 952-5210  
Barber and Beauty Shop,  
and College Standards

**Bureau of Household Goods and Services**  
www.bhgs.dca.ca.gov ..... (916) 999-2041  
Insulation Testing Standards

**Structural Pest Control Board**  
www.pestboard.ca.gov ..... (800) 737-8188  
Structural Standards

**Veterinary Medical Board**  
www.vmb.ca.gov ..... (916) 515-5220  
Veterinary Hospital Standards

### **Department of Food and Agriculture**

www.cdffa.ca.gov  
Meat & Poultry Packing Plant Standards  
Rendering & Collection Center Standards ..... (916) 900-5004  
Dairy Standards ..... (916) 900-5008

### **Department of Housing and Community Development**

www.hcd.ca.gov ..... Contact Center (800) 952-8356  
Option 5 > Option 2  
Residential—Hotels, Motels, Apartments,  
Single-Family Dwellings, and  
Permanent Structures in Mobilehome &  
Special Occupancy Parks  
Option 5 > Option 3  
Manufactured Housing &  
Commercial Modular  
Option 5 > Option 4  
Factory-Built Housing  
Option 5 > Option 5  
Employee Housing Standards  
Northern CA—Option 2 > Option 2 or 3  
Southern CA—Option 2 > Option 4 or 5  
Mobilehome—Permits & Inspections

### **Department of Public Health**

www.dph.ca.gov ..... (916) 449-5661  
Organized Camps Standards  
Public Swimming Pools Standards

### **Department of Water Resources**

www.water.ca.gov ..... DWRwebComment@water.ca.gov  
Recycled Water Building Standards

### **Division of the State Architect**

www.dgs.ca.gov/dsa ..... (916) 445-8100

### **Access Compliance**

### **Fire and Life Safety**

### **Structural Safety**

Public Schools Standards  
Essential Services Building Standards  
Community College Standards

### **State Historical Building Safety Board**

Historical Rehabilitation, Preservation,  
Restoration or Relocation Standards

### **Office of Statewide Health Planning and Development / California Department of Health Care Access and Information (HCAI)**

www.hcai.ca.gov ..... (916) 440-8300  
Hospital Standards  
Skilled Nursing Facility Standards &  
Clinic Standards

### **Office of the State Fire Marshal**

osfm.fire.ca.gov ..... (916) 568-3800  
Code Development and Analysis  
Fire Safety Standards

## HOW TO DETERMINE WHERE CHANGES HAVE BEEN MADE

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## ARTICLE 4 RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS

**1-401. Purpose.** This article establishes basic minimum procedural requirements for a code adoption cycle for proposing agencies to ensure adequate public participation in the development of building standards, to ensure adequate technical review and adequate time for technical review by code advisory committees and to ensure adequate notice to the public of compiled code change submittals prior to adoption by the Commission.

### 1-403. Public participation.

(a) **Precycle public participation.** Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include but are not limited to the following:

1. Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.
2. Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.
3. Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.
4. Make available draft proposals to interested groups or persons expressing interest.
5. Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.

(b) **Written public comments.** The public may submit written comments in support or opposition to proposed building standards or proposed repeal of existing building standards. The written comment may be provided at a public meeting of a code advisory committee, and at any public meeting or hearing by the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24 of the California Code of Regulations, and during any public comment period announced by an issued Notice of Proposed Action or agenda. See Section 1-413 for additional information.

(c) **Oral public comments.** The public may provide oral comment in support or opposition to proposed building standards and the proposed repeal of existing building standards during a public meeting of a code advisory committee, or during any public meeting or hearing of the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24, California Code of Regulations.

1. **Time allocated for public comment.** Four minutes maximum is the total time allocated for each individual speaker to provide comment on a specific agenda item before or during the discussion or consideration of the item. Time may not be ceded to another speaker.

**Exception:** Twice the allocated time shall be provided to a member of the public who requests

accommodation as a person with a disability, utilizes assistive technology, or utilizes an interpreter to effectively communicate.

**Authority:** Health and Safety Code Sections 18929.1 and 18934.

**Reference:** Government Code Sections 11125.7 and 11346.45, Health and Safety Code Sections 18929.1 and 18934.

**1-404. State agency participation for green building standards.** The Commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas but do not have the statutory authority to propose green building standards. The process for making recommended changes to proposing state agencies shall align with an 18-month code adoption cycle (triennial or intervening) and the proposing state agency's rulemaking schedule as follows:

(a) **Timing for submittal.** The timing for receipt of recommended changes shall be determined by the state agency that has statutory authority to propose green building standards for a specific occupancy. Pursuant to 1-403(a)(2), prior to commencing the development of proposed building standards, proposing state agencies shall notify all interested parties that building standards are to be developed, and solicit suggestions and a means for participation.

(b) **Mandatory or voluntary standards.** The state agency recommending changes shall specify whether the recommended changes are intended to be mandatory or voluntary green building standards, and shall indicate, to the extent possible, if a recommended voluntary green building measure should be considered for possible adoption as a mandatory measure within the two subsequent adoption cycles. The proposing state agency shall determine if a recommended green building standard will be proposed as a mandatory or voluntary measure.

(c) **Submittal documents.** Submittal documents shall be submitted as a complete package and shall include, but are not limited to, all of the following:

1. Recommended regulatory text for new green building standards or revisions to existing green building standards, in strikeout/underline format;
2. Rationale that clearly explains the specific purpose and the need for the changes including the basis for recommending that the items be considered for adoption as mandatory or voluntary green building standards;
3. Fiscal and economic analysis and supporting documentation in a format specified by the proposing state agency, which shall include the cost of compliance;
4. Verifiable and appropriate technical analysis, data or other information in support of the recommended changes including information on product availability. Data or information shall include, but is not limited to, copies of reports, findings, data relied upon or other materials and analyses;
5. Certification by the state agency suggesting the recommended changes that the content of the aforementioned submittal documents are true and accurate; and
6. Any additional information as requested by the proposing state agency.

(d) **Availability to the public.** The proposing state agency, in complying with the provisions of Section 1-403 and having determined to propose the recommended changes as building standards, shall make the proposals available to interested groups, persons expressing interest, and the public pursuant to Government Code §§11346.45 and 11347.1.

(e) **State agency declines to proceed.** The proposing state agency may decline to proceed with recommended changes from the suggesting state agency with expertise in green building subject areas due to any of, including but not limited to, the following circumstances:

1. Recommended changes conflict with the proposing state agency's mission, stated goals and/or other mission critical program requirements;
2. The suggesting state agency has failed to provide the submittal documents as required;
3. The suggesting state agency provides data, analysis or information that is flawed or otherwise determined by the proposing state agency to be unusable in-whole or in-part;
4. The suggesting state agency fails to provide a complete package of submittal documents within the timeframe directed by the proposing state agency in order to appropriately advance the suggested changes during the subject rulemaking cycle; and
5. Any other reason as determined by the proposing state agency.

(f) **Rulemaking participation.** When the proposing state agency determines that it will accept and advance a recommended change submitted by a state agency with expertise in green building subject areas during a rulemaking code adoption cycle, the state agency that submitted the recommended change shall be notified in writing of the acceptance within 30 days of receipt of the submittal documents.

The written notification of receipt of submittal documents shall identify any assistance the proposing state agency may require from the suggesting state agency during the rulemaking process. This may include, but is not limited to contributions and participation in pre-cycle workshops or focus group meetings, development of proposed express terms and statement of reasons, providing research or documentation needed to support the suggested changes and comply with the requirements of the initial statement of reasons, and the State of California Department of Finance Economic and Fiscal Impact Statement (Std. 399), code advisory committee presentations, and/or presenting the proposed code change before the Commission. The proposing state agency may request other documentation as necessary to comply with the rulemaking process.

**Authority:** Health and Safety Code Sections 18929.1, 18930.5 and 18934.

**Reference:** Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18930.5 and 18934.

**1-405. State adopting agency hearing date.** State adopting agencies planning to conduct hearings relative to building standards shall, prior to giving public notice, acquire the written approval of the Commission as to the date, time and place of the hearing(s). The approval may be in the form of the Commission's approval of the proposed Notice of Proposed

Action submitted by an adopting agency, when the date, time and place for the hearing is included in the proposed Notice of Proposed Action.

**Authority:** Health and Safety Code Sections 18931 and 18935.

**Reference:** Health and Safety Code Sections 18931 and 18935.

#### **1-406. Commencement of rulemaking.**

(a) In order to effectively administer the Triennial and Intervening Code Adoption Cycles, the Commission shall establish deadlines for state adopting agency and state proposing agency submittals of rulemaking files of adopted or proposed building standards for publication in Title 24, California Code of Regulations.

(b) The Commission shall notify state adopting agencies and state proposing agencies in writing of the deadlines for acceptance of rulemaking files a minimum of 180 days prior to the deadline. State adopting agencies and state proposing agencies shall submit rulemaking files as specified in this article to the Commission on or before the deadline for acceptance specified in the written notice.

**Authority:** Health and Safety Code Sections 18929.1 and 18930.

**Reference:** Health and Safety Code Sections 18930, 18931 and 18933.

#### **1-407. Initial rulemaking file submittals by a state proposing agency.**

(a) State proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

**Note:** Current forms, templates, and checklists for developing rulemakings are available from the Commission to assist state proposing and adopting agencies. These are provided in order to help ensure that the state agencies' rulemaking documents comply with specific requirements for content, completeness, statutory authority and reference and numerous other requirements.

(b) File content. The initial rulemaking file submitted to the Commission shall include the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. One (1) copy of the Notice of Proposed Action. The Notice of Proposed Action shall be complete except for the public comment period portion. The public comment period will be determined by the Commission staff.
3. Two (2) copies of the Initial Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in



strikeout type. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.

4. Two (2) copies of the Initial Statement of Reasons for proposing the adoption, amendment, or repeal of a regulation.
5. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399). Wet signatures are not required on STD. 399 until final submittal of the rulemaking file.
6. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
7. One (1) electronic file copy of each of the above documents listed under subsection 1-407(b), which shall be suitable for immediate placement on the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)) for public viewing. Items 2, 3, 4 and 6 listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(c) Upon approval of the Notice of Proposed Action for building standards, the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal to the Commission.

1. Any Notice of Proposed Action not acted upon within 20 days by the Commission staff shall be considered approved and may be published in the California Regulatory Notice Register.

**Authority:** Government Code Sections 11346–11348 and Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

**Reference:** Government Code Section 11546.7(a) and Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

#### 1-408. Certification of delegation of authority.

(a) Whenever a certification is required by this article, it shall be made by the head of the state agency that is proposing, adopting, amending or repealing building standards or administrative regulations, or by a designee of the agency head. The certification and delegation shall be in writing.

(b) The certification wet signature required on the Notice/Submission Face Sheet (BSC-1) by Sections 1-407(b)1, 1-415(a)1, and 1-419(b)1 and the certification wet signature required on the Department of Finance Economic and Fiscal Impact Statement (STD. 399) required by Section 1-415(a)7 shall be made by the agency director, or their designee, of the agency proposing or adopting the building standards. A written delegation identifying the agency's authorized signatory designee(s) shall be submitted prior to or with the rulemaking

file(s) when the Notice/Submission Face Sheet (BSC-1) is signed by other than the agency director.

**Authority:** Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

**Reference:** Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

#### 1-409. Code advisory committee review.

(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 1-406 of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

(b) A state proposing agency responsible for developing an initial rulemaking file shall attend the code advisory committee meeting to present its proposal, and be prepared to respond to committee comments and questions.

(c) **Code advisory committee reviews.** A code advisory committee shall conduct a public hearing to perform a technical review of all initial rulemaking files assigned to it by the Commission. A code advisory committee meeting shall be scheduled by the Commission and shall be open to the public.

(d) **Code advisory committee meeting notice.** The location, date and time of a code advisory committee meeting shall be noticed by the Commission and conducted in accordance with the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120–11132.).

(e) **Time allocated for public comment.** See Section 1-403(c) of this Article.

(f) **Code advisory committee recommendations.** A code advisory committee shall make a recommendation on each proposed provision within the initial rulemaking file. A recommendation other than "approve" shall include a substantiating reason based on the Nine-Point Criteria in Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

1. **Approve.** Approval of a proposed provision as submitted.
2. **Disapprove.** A proposed provision does not meet one or more specified criteria of Health and Safety Code Section 18930.
3. **Further study required.** A proposed provision has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed provision requires further study by the proposing agency. Upon further study, the proposing agency may resubmit the proposed provision for a comment period in the current cycle. The committee may recommend that the proposing agency submit the proposed provision in the next code adoption cycle after further study, or, if the matter can be resolved in time, submit the proposed provision for a comment period in the current cycle.

4. **Approve as amended.** Approval as amended of a proposed provision, as suggested by the committee for organization, cross-referencing, clarity and editorial improvements or as amended and submitted for committee review by the agency. Modifications are justified in terms of Health and Safety Code Section 18930.

|| (g) **Code advisory committee reports.** The code advisory committee report of recommendations to the Commission shall be made available to the public for review and comment and be included in the Commission's rulemaking file.

|| (h) **State proposing agency action.** State proposing agencies shall address each code advisory committee recommendation in the revised Initial Statement of Reasons by explaining what, if any, action was taken or not taken to address the recommendation.

**Authority:** Health and Safety Code Sections 18931 and 18935.

|| **Reference:** Government Code 11125.7, Health and Safety Code Sections 18931 and 18935.

**1-411. Public comment rulemaking file submitted by a state proposing agency.**

(a) Public comment periods, including 45-day and 15-day periods, shall be conducted according to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) State proposing agencies shall submit rulemaking files to the Commission on or before the deadline established by the Commission, in preparation for the 45-day public comment period.

**Note:** Current forms, templates, and checklists for developing rulemakings are available from the Commission to assist state proposing and adopting agencies. These are provided in order to help ensure that the state agencies' rulemaking documents comply with specific requirements for content, completeness, statutory authority and reference and numerous other requirements.

(c) File content. The rulemaking file shall include the following items.

1. One (1) copy of the Notice of Proposed Action.
2. Two (2) copies of the 45-Day Express Terms, including any amendments made to address code advisory committee recommendations.
3. Two (2) copies of the Initial Statement of Reasons, including explanations of any revisions suggested in the 45-Day Express Terms to address code advisory committee recommendations.
4. All other items required by Section 1-407 that have been amended since the initial rulemaking file was submitted for Code Advisory Committee review.
5. One (1) electronic file copy of each document submitted, which shall be suitable for immediate placement on the Commission's website ([www.dgs.ca.gov/bse](http://www.dgs.ca.gov/bse)) for public viewing. Items 1, 2, 3 and 4 (Nine-Point Criteria Analysis only) listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(d) In coordination with the Commission, and with the Commission's approval of the submitted rulemaking file items, a state proposing agency shall perform the following to carry out the public comment periods:

1. Verify the rulemaking items submitted by the state proposing agency are posted and available to the public on the Commission's website ([www.dgs.ca.gov/bse](http://www.dgs.ca.gov/bse)).
2. Distribute the Notice of Proposed Action to the parties on record with the state proposing agency that have requested to receive proposed rulemaking documents.
3. Provide printed or electronic files of the rulemaking documents described in the Notice of Proposed Action, if requested.
4. Maintain all written public comments received during the public comment periods in preparation for developing the final rulemaking file for submittal to the Commission for adoption.
5. Public comments received by a state proposing agency shall be forwarded to the Commission.

(e) Coordinate with the Commission should it be necessary to conduct additional 45-day and/or 15-day public comment periods.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

**Reference:** Government Code Sections 11346 et seq. and 11546.7(a) and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

**1-413. Public comments and related actions.**

(a) Anyone wishing to provide written or oral comment on a recommendation of the code advisory committee(s) and/or on a proposed building standard or the repeal of an existing building standard may do so in accordance with this section. The Commission, or state proposing agency, shall consider public comments received during a public comment period announced by a Notice of Proposed Action.

(b) When no public hearing is scheduled as part of a public comment period, a public hearing may be requested. Upon written request received, no later than 15 days prior to the close of the public comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission when the Commission is the proposing agency, or state proposing agency responsible for the proposal, to receive comment on the proposed building standard or repeal of an existing building standard, its justification or code advisory committee recommendations. At the hearing statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

(c) A written or oral public comment submitted pursuant to this section shall refer to a specific recommendation made by a code advisory committee on a proposed building standard or repeal of an existing building standard. The public comment shall clearly indicate the action desired and include a substantiating reason for the desired action based on the Nine-Point Criteria in Health and Safety Code Section 18930.

(d) The Commission shall make available to the public upon request a record of written and oral comments received at the Commission office, or during code advisory committee meetings and meetings and hearings by the Commission, and during public comment periods, in regard to a proposed

building standard or the proposed repeal of an existing building standard.

(e) The Commission and/or state proposing agency, whichever is appropriate, shall consider the comments received during a code advisory committee meeting and during a public comment period from the public pursuant to this section. Any amendments to the proposed building standard or proposed repeal of an existing building standard as a result of the public comment and determinations shall be explained in the Final Statement of Reasons.

(f) Following all public comment periods for a proposed building standard or proposed repeal of an existing building standard, the Commission will conduct a public meeting to consider the approval or adoption of the proposal. See Section 1-403 of this Article for time allocated for public comment.

No new issues will be raised before the Commission that were not included in the record of comments.

Items not challenged but affected as a result of an action on another item may also be considered at the Commission meeting to eliminate conflict, duplication or overlap.

**Note:** The Commission provides a suggested public comment form at the Commission's website - [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC)

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

**Reference:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

#### 1-415. Final rulemaking file by state proposing agencies.

(a) After any hearings and the close of all public comment periods a final rulemaking file shall be submitted to the Commission with all rulemaking documents complete and ready for the Commission's public meeting to consider adoption. Forms, templates, and checklists are available from the Commission. Each final rulemaking file shall be organized and indexed to identify the following items required for inclusion:

1. One (1) original Building Standards Face Sheet (BSC-1) with the wet signature of the agency director or designee.
2. One (1) copy of the Notice of Proposed Action.
3. One (1) copy of the Informative Digest.
4. One (1) copy of the Initial Statement of Reasons.
5. One (1) copy of the Final Express Terms to illustrate the final proposed building standards.
6. One (1) copy of the Finding of Emergency Statement (submitted only with Emergency Building Standards). Also see Section 1-419 of this article.
7. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399) containing all required wet signatures as appropriate, together with fiscal analysis prepared by the submitting Agency.
8. One (1) copy of the written transcript or recorded minutes of any public hearings.
9. One (1) copy of each exhibit submitted or written comment received at any public hearing conducted by the agency and a transcript of any oral comments received.

10. One (1) copy of each written comment received during public comment period(s), and a memo attesting to the 45-day public availability period.
11. One (1) copy of the Final Statement of Reasons and any studies, surveys or documents used to support the rationale for the proposed building standard(s).
12. One (1) copy of the Updated Informative Digest.
13. One (1) copy of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period (if applicable).
14. One (1) original Certification of Close and Complete of the Rulemaking File with the wet signature of the agency director or designee.
15. One (1) copy of the written Nine-Point Criteria Analysis, which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930 et seq., of the Health and Safety Code.
16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency Building Standards during certifying rulemaking).
17. One (1) copy of a written statement confirming that the state agency complied with the provisions of Government Code Section 11346.4(a)(1) through (4) regarding the mailing of notice of proposed action at least 45 days prior to public hearing and close of the public comment period. The statement shall include the date upon which the notice was mailed. This section is not intended to require an agency to provide a copy of its mailing list to support the statement.
18. One (1) electronic file copy of each of the above documents listed under this section. The electronic files shall be suitable for immediate placement on the Commission's website for public viewing. Items 4 through 6, 11 through 13, and 15 listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Government Code Section 11546.7(a) and Health and Safety Code Sections 18931 and 18949.6.

#### 1-417. Final actions by the Commission and proposing agency.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the fol-

lowing actions on each received final rulemaking file proposing to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. The change is justified in terms of Health and Safety Code Section 18930.
2. **Disapprove.** The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. **Further study required.** The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the proposing agency. The proposed code change may be submitted in a future code adoption cycle with further study and justification.
4. **Approve as amended.** The Commission approves a proposed code change as modified by the proposing Agency Director or authorized representative in accordance with an approved written delegation order. No modification shall be made that materially alters a requirement, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) **Withdrawal.** A proposing agency may withdraw a proposed code change as determined appropriate at any time during the rulemaking process.

**Authority:** Health and Safety Code Sections 18929.1, 18949.6 and 18931(f).

**Reference:** Health and Safety Code Sections 18927, 18929 through 18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

#### 1-419. Emergency building standards.

(a) Emergency building standards may be developed and acted on as provided in Health and Safety Code Sections 18937 through 18938 and other referenced or applicable provisions of California Building Standards Law (HS. Code, § 18901 et seq.) and the Administrative Procedure Act (Gov. Code, § 11340 et seq.). Emergency building standards shall be acted on within 30 days and shall not be effective until approved by the Commission and filed with the Secretary of State.

(b) Rulemaking files for emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. Two (2) copies of the Finding of Emergency satisfying requirements of Government Code Section 11346.1.
3. Two (2) copies of the Express Terms illustrating the proposed emergency building standards.
4. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
5. Any supporting documentation on which the proposed emergency building standards are based.
6. One (1) electronic file copy of each of the above documents listed under subsection 1-419(b). The electronic documents shall be suitable for immediate placement on the Commission's website for public viewing. Items 2 through 5 listed under this subsection shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(c) The Commission shall make a ruling on the state agency's Finding of Emergency as to its compliance with Government Code Section 11346.1. If the Finding of Emergency is approved, the Commission shall consider the proposed emergency building standard and make a ruling to approve, disapprove, further study required, or approve as amended, consistent with Section 1-417(a) of this article.

(d) The Commission shall file approved emergency building standards with the Secretary of State at the earliest possible date following approval. Following the filing with the Secretary of State for an adopted emergency building standard, the Commission shall notify the affected state agency in writing of the filing date of the emergency building standard.

(e) Following the initial adoption of emergency building standards and if determined appropriate, the state agency responsible for the emergency building standards shall proceed to complete the certifying rulemaking process to make the emergency building standards permanent within 180 days in accordance with Government Code Section 11346.1 and Health and Safety Code Section 18938. Rulemaking files submitted to the Commission for certifying rulemaking shall include all applicable documents required by Section 1-415 of this article.

(f) Readoption of an emergency building standard pursuant to Government Code Section 11346.1(h) requires sending a notice of proposed action pursuant to Government Code Section 11346.1(a)(2).

In addition to fulfilling the requirements for submission of building standard actions described in this section and Sections 1-407, 1-411, 1-415 and 1-420 of this article, as applicable, a state proposing or adopting agency requesting approval for readoption of an emergency building standard shall provide the following:

1. A written statement providing specific facts demonstrating by substantial evidence that the agency has made substantial progress and proceeded with diligence to comply with Government Code Section 11346.1(e); and either
2. A statement that the emergency circumstances are unchanged since the initial adoption or prior readoption; or
3. An updated finding of emergency required by Government Code Section 11346.1(b) to reflect circumstances that have changed since the initial adoption or readoption.

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department and the Office. The Commission may establish a termination date or duration for the fee reduction period.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

**Reference:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

#### 1-507. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the 15th day of the following month.

1. Each quarter, a city, county, and city and county shall submit a completed Fee Report Form (BSC-2) and payment to the California Building Standards Commission for the fees collected that quarter.
2. A Contact Information Form (BSC-3) shall accompany the Fee Report Form and payment only when contact information changes. Such changes include the city, county, or city and county address, telephone number(s), office or department contact, and/or building official.
3. For a check payment, the check shall be mailed together with the certified quarterly Fee Report Form (BSC-2) and Contact Information Form as appropriate, to the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. For an electronic payment (see Note), the payment receipt shall be emailed together with the certified quarterly Fee Report Form (BSC-2), and Contact Information Form as appropriate, to BSASRF\_Fee@dgs.ca.gov.

**Note:** Only the CBSC-approved electronic payment platform shall be used for electronic payments. Forms, a detailed guidebook and information regarding the electronic payment platform are available at the Commission's Building Permit Fee webpage - [dgs.ca.gov/BSC/BSASRF---The-Building-Permit-Fee](http://dgs.ca.gov/BSC/BSASRF---The-Building-Permit-Fee).

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Revolving Fund for use, upon appropriation, by the Commission, the Department, and the Office as specified in Section 1-501.

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

#### 1-509. Request for refund of fees.

(a) When a city, county or city and county determines that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all of the following:

1. A detailed summary describing the circumstances surrounding the miscalculation that occurred regarding the incorrect submission of fees;

2. Documentation that demonstrates how the amount error occurred, and showing the correct amount;
3. Written certification that the refund amount is accurate and true.

(b) Receipt of a request for refund of fees shall be acknowledged by the California Building Standards Commission in writing within 45 days of receipt. The acknowledgement shall include whether additional supporting documentation is required in order to verify the refund amount.

(c) Should a city, county, or city and county be delinquent in any past quarterly fee submissions, the past due quarterly fee reports and respective payments shall be made current prior to resolution regarding a refund.

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

## HISTORY NOTE APPENDIX FOR CHAPTER 1

### Administrative Regulations for the California Building Standards Commission California Code of Regulations, Title 24, Part 1

#### HISTORY:

The history notes for prior changes remain within the text of this code.

1. (BSC 1/89) Regular order by the California Building Standards Commission to amend Section 1-601, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State April 1990; effective April 17, 1990. Approved as a regular order by the California Building Standards Commission on April 16, 1990.
2. (BSC 2/92) Regular order by the California Building Standards Commission to adopt Section 1-901, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State February 10, 1994; effective March 12, 1994. Approved by the Office of Administrative Law on February 10, 1994.
3. (BSC 2/93) Regular order by the California Building Standards Commission to Amend Sections 1-402, 1-501, 1-603, 1-604, 1-801 and 1-802, 1-803, 1-804, 1-805, 1-806, 1-807, 1-808, 1-809, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.
4. (BSC 02/08) Article 1-9, Code Adoption Process. Amend Section 1-902 and add new Article 1-10, City, County, and City and County Building Permit Fees. Effective June 21, 2009.
5. (BSC 07/09) Supplement adding Section 1-1004 Development of Standards to Chapter 1. Effective on January 1, 2011.
6. (BSC 03/10) Repeal, amend and reformat Chapter 1 of the 2010 California Administrative Code, CCR Title 24, Part 1, effective on August 28, 2011.
7. (BSC 05/10) Add new Section 1-105 to Article 1 Use of Commission Indicia, effective on November 20, 2011.
8. (BSC 02/12) Amend Chapter 1, Article 1, Sections 1-101, 1-105, Article 2, Sections 1-201, 1-207, 1-209, 1-211, Article 4, Sections 4-411, 1-421, Article 5, Section 1-503. Approved by the California Building Standards Commission on January 23, 2013, filed with Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
9. Errata to correct editorial errors within the preface and Chapter 1 of this code. Effective January 1, 2014.
10. (BSC 01/13) 2013 Intervening Cycle Supplement. Amendments and corrections to Article 1, Sections 1-101, 1-105 add website reference; Article 2, Sections 1-203 correct title of Commission, 1-209, 1-211 correct website references; Article 3, Section 1-307 correct title of Commission and add website reference; Article 4, Sections 1-407 correct grammatical editorial errors and add website reference, 1-413, 1-415, 1-415(a)4 clarify actions taken following public comment periods and clarify the application of “Approve as Amended,” 1-419 clarify availability of rulemaking documents and add website reference, 1-421 clarify grammatical errors; Article 5, Sections 1-503, 1-505, 1-507 correct grammatical errors, clarify fee collection forms and add website reference. Approved by the California Building Standards Commission on July 22, 2014, filed with the Secretary of State on July 30, 2014, effective August 30, 2014.
11. (BSC 01/15) Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Sections 1-205, 1-207, 1-209, Article 4, 1-404, Article 5, Section 1-509. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within the preface as well as throughout various chapters in this code. Effective January 1, 2017.
13. (BSC 01/16) 2016 Intervening Cycle Supplement adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
14. (BSC 01/18) 2018 Triennial Code Adoption Cycle Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Section 1-211; Article 3, Sections 1-309, 1-311, 1-313, 1-317, 1-321; Article 4, Sections 1-407, 1-411, 1-415, 1-419, 1-420 and 1-421. Added to Chapter 1, Article 4, new Section 1-408. Approved by the California Building Standards Commission on December 5, 2018, filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to California Health and Safety Code, Section 18938.
15. Erratum to correct editorial errors in Chapter 1, Article 2: effective January 1, 2020.
16. 2019 Intervening Cycle Update (BSC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
17. (BSC 04/21) Amend Chapter 1, Article 2, Section 1-209, Article 4, Section 1-407, 1-411, 1-415, 1-419, Article 5, Section 1-507. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
18. (BSC 01/22) Amend Chapter 1, Article 4, Sections 1-403, 1-409 and 1-413. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.

## CHAPTER 3

# ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF THE STATE FIRE MARSHAL (SFM)

### ARTICLE 3-1 GENERAL PROVISIONS

**3-101. Purpose.** The State Fire Marshal shall prepare and adopt building standards in the California Building Standards Code relating to fire and panic safety. The State Fire Marshal shall enforce these regulations in all state-owned buildings, specified state-occupied buildings, and state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California. Facilities constructed or altered pursuant to these regulations shall be in compliance with the California Code of Regulations, Title 24 related to the design aspects of the fire and life safety (FLS) elements, components and systems.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**Reference** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**3-102. Scope.** Title 24, California Code of Regulations (C.C.R.), known as the California Building Standards Code, designates building regulations that are applicable to the fire and life safety portions of the design, construction, reconstruction, rehabilitation, alteration or addition to any state-owned building, specified state-occupied buildings, and state institutions as defined in Article 3-2 Definitions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California. The term “specified state-occupied buildings” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 13108 and Section 13146 of the Health and Safety Code, authorizing the Office of the State Fire Marshal (SFM) to carry out the functions and duties related to plan check, construction, use and inspections of the construction of state-owned buildings, specified state-occupied buildings, and state institutions.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**Reference** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**3-103. Authority for enforcement of regulations.** All duties and functions that relate to the fire and life safety aspects of state-owned buildings, specified state-occupied buildings, state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California, construction for compliance with building standards; including but not limited to plan checking, and inspections have been vested by law in the Office of the State Fire Marshal.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**Reference** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**3-104. Application of building standards.** Building standards applicable to state-owned buildings, specified state-occupied buildings, and state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California, are set forth in Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques. Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with the SFM concerning the applicability of these innovative design or construction techniques to construction of state-owned, specified state-occupied, and state institutions prior to the submittal of plans and specifications. SFM must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of SFM.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**Reference** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**3-105. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any state-owned, specified state-occupied, and state institutions.** Plans and specifications for any new state building or for the reconstruction, rehabilitation, alteration or addition to state buildings shall be submitted to SFM for approval as required by and in accordance with Health and Safety Code Sections 13108 through 13146.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

**Reference** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921

### ARTICLE 3-2 DEFINITIONS

**PLANS.** “Plans” as used in these regulations shall mean the drawings associated with the project, such as, but not limited to, specifications, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross-sections, interior elevations, exterior elevations and details that are used in conjunction with the project specifications, and that are necessary to accomplish construction in conformance with the requirements of the Health and Safety Code Section 13108.

**SPECIAL INSPECTOR.** A Special Inspector shall mean any person duly approved by the State Fire Marshal to perform construction inspections for a project.

**SPECIFICATIONS.** “Specifications” as used in these regulations shall mean the written document that is used in conjunction with the project plans to establish the job conditions, the quality and quantity of construction materials used in the project and the quality of workmanship required to accomplish the construction in conformance with the provisions of this Code.

**SPECIFIED STATE-OCCUPIED BUILDINGS.** Any building, structure or area that meets any of the following criteria:

1. A building where the state has contracted into a build-to-suit lease.
2. A courthouse holding facility or trial court with a detention area.
3. A building used by the Department of Corrections and Rehabilitation (CDCR) as a community correctional reentry center.
4. 100% state occupied.
5. State-occupied areas in a state-leased building that is a high-rise and is 75 percent of the net area floor space or more occupied by state entities.
6. State-occupied areas in a building that contains 5,000 square feet or more space of state-leased Group H or Group L occupancy.
7. A state-leased building with facilities with the primary purpose of housing state records and/or state artifacts of historical significance.
- > 8. Properties leased by California State University (CSU).
9. State institutions and their real property.
10. CAL FIRE occupied areas in leased buildings.
- > 11. State-leased facilities where the governing body’s fire protection services rely on an all-volunteer fire department.

**Authority** - Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

**Reference** - Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.

**STATE-OWNED BUILDING.** A state-owned building shall mean any building owned by the state or a political subdivision thereof. A building or real property that is owned by or deeded to the state.

**Authority:** Health and Safety Code Sections 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13210, 13211, 16022.5, 17921, 18949.2, Government Code Section 51189, Public Education Code 17074.50.

**Reference(s):** Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.



## **HISTORY NOTE APPENDIX FOR CHAPTER 3**

### **Administrative Regulations for the Office of the State Fire Marshal California Code of Regulations, Title 24, Part 1**

#### **HISTORY:**

The history notes for prior changes remain within the text of this code.

1. (SFM 03/21) Adoption of administrative provisions in Chapter 3, Part 1. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective on January 1, 2023.
2. (SFM 01/22) Amend Chapter 3, Article 3-1, Sections 3-101, 3-102, 3-103, 3-104, and Article 3-2. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective on July 1, 2024.



(e) When building damage due to an earthquake or wind is repaired, all portions of the building associated to this damage shall be retrofitted to comply with currently effective regulations.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17295, 81130 and 81133.

**HISTORY:**

1. New section filed 2-28-86; effective 30th day thereafter (Register 86, No. 9).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-309, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-310. School garages, warehouses, storage and similar buildings, dwellings for employees and miscellaneous structures.** The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for, storing buses and minor mechanical equipment or for nonschool use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes. Similarly, the Act does not apply to dwellings or personal residences for teachers or district employees or their family, regardless of location on or separate from school sites. The Act also does not apply to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes. DSA approval for accessibility is required in accordance with Section 5-101. Approvals from other agencies may also be required. Such buildings or structures shall not be used for school purposes.

The Act does not apply to school-based health centers, social services or support services qualifying under the provisions of Education Code, Section 17296, housed in stand-alone buildings located on school property that are not to be used for school purposes. Approvals from other agencies will be required for these facilities. Proof of qualification and a copy of the building permit from the local building official will be required to be provided to DSA prior to start of construction.

It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign pursuant to Sections 17368 and 81160 of the Education Code.

In authorizing and completing the design and construction of district-owned buildings as described in this section, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

For these cases DSA requires that a resolution be passed by the school board stating that the building or structure shall not be used for school purposes and that no pupils or

teachers, as such, will be permitted to use or enter the said building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17283, 17283.5, 17296, 17368, 81050.5, 81130, 81130.5 and 81160.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-310, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-311. Condemnation.** DSA has no authority under the Act to order the closing of any school building. However, if requested by the school district or on DSA's own volition, DSA shall examine and report on the safety of structural aspects of any school building that appear to be deficient. The report shall state in writing to the school board whether or not the investigated structural aspects of the building are in compliance with the code in effect at the time of construction, and shall also state whether or not the building is safe for school use. (See Sections 4-345 and 4-346.)

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17311 and 81143.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-311, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-312. Demolition.** Demolition is the entire razing or destruction of a school building or a school building unit. It is not necessary to secure the approval of DSA for such demolition. It is the responsibility of the school board to notify DSA of such demolition.

Approval by DSA is required for any partial demolition of existing buildings or any demolition that is part of a reconstruction, rehabilitation, alteration or addition.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17310 and 81142.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-312, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

## ARTICLE 2 DEFINITIONS

**4-313. General.** The words defined in Section 4-314 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-300, et seq, Title 24, C.C.R.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17283, 81130, 81130.5 and 81529.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-313, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-314. Definitions.**

**ACT** shall mean the Field Act, Sections 17280-17316 and 81130-81147, inclusive of the Education Code.

**ADDITION** as that term is used in these regulations shall mean an increase in permanently constructed floor area or volume of enclosed space placed immediately adjacent to or above and sharing use with an existing certified building. The addition may be of the same occupancy or a different occupancy and may be either structurally attached or structurally detached from the existing building. An existing building with an existing expansion joint, indicating that it was previously added on to at one time in the past, is considered one single building.

**ALTERATION** shall mean any construction or renovation to an existing certified building other than reconstruction, rehabilitation, or addition. The relocation or moving of an existing certified school building is considered to be a relocation, not an alteration, requiring filing of the plans and specifications with, and certification by, DSA.

**APPROVED PLANS AND SPECIFICATIONS** as used in these regulations shall mean plans, specifications, addenda, construction changes and other documents that have been duly approved by DSA pursuant to Sections 17295 and 81133 of the Education Code. The plans and specifications shall be identified by a stamp bearing the name "Division of the State Architect," the application number, initials of the plan reviewers and date of stamping. The written approval as required by Section 17297, Education Code, shall not be issued until a copy of plans and specifications bearing DSA's identification stamp is on file at the DSA.

**ARCHITECT** shall mean a certified architect holding a valid license under Chapter 3, Division 3, of the *California Business and Professions Code*.

**CERTIFIED BUILDING** shall mean a building that was constructed or reconstructed in accordance with Article 3 or 7 commencing with Sections 17280 and 81130, respectively, of the Education Code and with the regulations in effect at the time of their certification.

**CONSTRUCTION CHANGE DOCUMENT** shall mean a construction document submitted by the responsible project architect or registered engineer and approved by DSA depicting a change to the approved plans and/or specifications after the construction contract has been let.

**DIVISION OF THE STATE ARCHITECT** or **DIVISION**, or initials **DSA**, shall mean the Division of the State Architect in the Department of General Services, State of California. Approval, disapproval, orders and certificates of compliance shall be issued directly by the State Architect who shall act for the Department of General Services in carrying out the provisions of the Act.

**GARRISON ACT (1939)**, Sections 17280–17316 and 81160–81192 of the Education Code, as amended, prescribes the actions to be taken by school board members to preclude personal liability for the continued use of unsafe school buildings.

**GEOTECHNICAL ENGINEER** shall mean a professional engineer holding a certificate to use the title geotechnical engineer, soil engineer or soils engineer under the law regulating

the practice of civil engineering comprising Chapter 7 of Division 3, of the *California Business and Professions Code*.

**INSPECTOR** shall mean any person duly approved by DSA to perform construction inspection for a particular project. (See Sections 4-333 and 4-342.)

**MAINTENANCE** shall mean and include ordinary upkeep or repair work such as replacements in kind, repainting, replastering and reroofing. Reroofing shall be limited to one additional application and shall include an examination of the structural elements of the roof, walls, ceilings and all other elements that may have suffered deterioration from moisture resulting from roof leaks. Maintenance shall not include work, other than repainting, on structural framing nor include the replacement of large mechanical, electrical or plumbing units or systems.

**NEW SCHOOL BUILDING** shall mean any newly erected school building and/or existing owned, leased or purchased building converted to school use and certified by DSA.

**NONCONFORMING BUILDING** is a building that has not been certified by DSA as a school building.

**NONSTRUCTURAL ALTERATIONS** shall mean only such alterations as do not affect the structural safety of the school building and that do not change, in any manner, its structural elements.

**OFFSITE LOCATION** is a building designated by the governing board to be used for less than full-time instruction in educational programs that require such offsite facilities in order to fulfill the objectives of the programs. Such designated buildings shall not be located on, or adjacent to, a school site and its primary use shall be for other than public school purposes. The designation of off-site location is subject to review by DSA. (See Education Code Section 81529.)

**PLANS** as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross sections, interior elevations, exterior elevations and details.

**PROFESSIONAL ENGINEER** as used in these regulations shall mean an engineer holding a valid certificate under Chapter 7, Division 3, of the *California Business and Professions Code*, in the branch of engineering that is applicable.

**PUPILS** as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being a pupil enrolled in an elementary or secondary school district or a community college district.

**RECONSTRUCTION** is the repair of damage to an existing certified school building.

**REGISTERED ENGINEER** as used in these regulations shall mean a structural engineer or a professional engineer as defined in this section.

**REHABILITATION** is the evaluation and resulting retrofit of an existing nonconforming building or a school building conforming to earlier code requirements to bring the building, or portion thereof, into conformance with the safety standards of the currently effective regulations, Parts 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, Title 24, C. C. R.

**RELOCATABLE BUILDING** is any building with an integral floor structure that is capable of being readily

moved. (See Education Code Section 17350.) Relocatable buildings that are to be placed on substandard foundations not complying with the requirements of Part 2, Title 24, C.C.R., require a statement from the school district stating that the durability requirements for those foundations may be waived and acknowledging the temporary nature of the foundations.

**RELOCATION** shall mean the physical moving of any certified building either as a single unit or in parts from its original location to a new location on the same campus or on a different campus. Relocation of a building requires the approval of DSA.

**RETROFIT** is the construction of any new element or system, or the alteration of any existing element or system required for the rehabilitation of the building.

**SCHOOL BOARD** shall mean and include district Boards of Trustees, city or county Boards of Education and other appropriate authorities for which any school building used or designed to be used for elementary or secondary school or community college purposes is to be constructed, reconstructed, altered or added to by the state, or by any county, city, city and county, or other political subdivision, or by any school or community college district of any kind or character within the state, or by the United States government, or any agency thereof.

**SCHOOL BUILDING** as defined in Sections 17283 and 81130.5 of the Act is interpreted to include all structure and utility systems or facilities necessary to the complete functioning of the structures, used or designed to be used for instructional purposes, or intended to be entered by pupils or teachers for school purposes, or structures operated as school units, the failure of which would endanger pupils or teachers on school grounds or in school buildings. (See Section 4-310 for teacher or district employee residences.) “School Building” is also defined to include dwellings, including utility systems or facilities necessary to the complete functioning of the dwellings, used by pupils, teachers and school employees that are part of a campus where the primary use is for school purposes.

The following are not considered to be school buildings but may be submitted separately or may be included in the plans and specifications for a school building project and will be checked under the provisions of the Act if submitted by the school district: one-story buildings not over 250 square feet in area when used exclusively as accessory facilities to athletic fields (equipment storage, toilets, snack bars, ticket booths, etc.); greenhouses, barns and materials or equipment storage sheds, used exclusively for plant or animal production or protection and not used for classroom instruction (small groups of pupils and teachers may enter these structures for short periods of time); lighting poles less than 35 feet above the grade, antenna towers less than 35 feet above the grade; retaining walls less than 4 feet above the top of foundations and not supporting a surcharge, concrete or masonry fences less than 6 feet above adjacent grade, ballwalls or yard walls less than 6 feet above adjacent grade; signs, scoreboards or solid-clad fences less than 8 feet above adjacent grade; bleachers and grandstands five rows of seats or less above grade; playground equip-

ment; flagpoles less than 35 feet above grade; open-mesh fences and baseball backstops and temporary-use community college buildings as defined below. For work described in this paragraph that is not submitted to DSA for approval under the Act, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

Buildings and other structures constructed by students that upon completion of construction will not be used for school purposes and will not be entered by pupils or teachers are not considered school buildings and shall not be checked under the provisions of the Act. These student-constructed buildings shall not remain at the school site more than 90 days following completion, unless the building meets all the requirements of Section 4-310.

“School Building” in a complex operated by the state for correctional or forestry purposes shall include only those structures used or designed to be used for elementary or secondary school instruction or community college instruction. Living units, dining areas, administration buildings or structures used for support services in such correctional or forestry complexes shall not be considered school buildings for purposes of Field Act requirements.

**SCHOOL DISTRICT** as used in these regulations shall mean a Kindergarten through 12th grade school district of any kind or character within the state, a community college district of any kind or character within the state, a county office of education, elementary or secondary school operated by the United States government, or any agency thereof, and any elementary or secondary school administered directly by the State Department of Education.

**STRUCTURAL ENGINEER** as used in these regulations shall mean a professional engineer holding a valid certificate to use the title structural engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3 of the Business and Professions Code, relating to professional engineers.

**TEACHERS** as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being teachers employed by an elementary or secondary school district or a community college district.

**TEMPORARY-USE BUILDING COMMUNITY COLLEGE** is any community college building for which the intended use by the school district at the time of entering into a lease contract or agreement is not for more than three years from the date of first occupancy.

**TEMPORARY-USE BUILDING K-12** is any temporary school buildings, other than those for community colleges, used or designed to be used for school purposes following disasters such as earthquakes, fires and floods, unanticipated emergency classroom needs or during modernization projects, for which repairs are in progress. The use of such buildings is limited to a maximum of three years.

**WAIVER OF DURABILITY** refers to a waiver, as may be requested by the school district, of certain durability requirements of Part 2, Title 24 for foundations of relocatable buildings.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17283, 17283.5, 17405, 81050.5, 81130, 81130.5 and 81529.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-314, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

### ARTICLE 3

#### APPROVAL OF DRAWINGS AND SPECIFICATIONS

##### 4-315. Application for approval of drawings and specifications.

(a) **General.** Before awarding a contract or commencing with construction of a school building project, the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications for any of the following:

1. The construction of any new school building, or rehabilitation of or addition to any existing school building. School building is defined in Section 4-314.
2. The reconstruction or alteration of an existing school building if the estimated cost exceeds \$100,000. (See Sections 4-308 and 4-309.)
3. The lease or purchase of any relocatable building except where occupied as a temporary-use community college building.

**Exception:** The school board may award a contract and commence construction of a “relocatable building” for emergency housing in compliance with 4-302(b).

4. The rehabilitation of a nonschool building to use as a “school building.” (See Sections 4-306 and 4-307.)

It is not necessary to secure approval for maintenance work on school buildings, in accordance with Sections 4-308 and 4-309. See Section 4-314 for the definition of “maintenance.”

(b) **Filing.** A separate application shall be submitted to DSA for each school building or group of school buildings on each school site. The application shall be submitted on a form prescribed by DSA. The application shall contain a project name for the school building or group of buildings, the name of the architect or registered engineer in general responsible charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-316), the estimated cost of the project and all such other information as is requested thereon.

(c) **Delayed filing.** In case the plans and specifications for the reconstruction or alteration of any school building have not been submitted to DSA under the assumption that the cost will not exceed \$100,000, the school board shall, if the bids that are received indicate that the cost will be in excess

of \$100,000, delay letting a contract until such time as the plans and specifications have been submitted and the approval by DSA obtained. The contract or contracts, when made, shall be based on the duly approved plans and specifications.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17295, 17297, 17302, 81133 and 81138.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-315, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

##### 4-316. Designation of responsibilities.

(a) **General responsible charge.** For every project there shall be an architect or structural engineer in general responsible charge of the preparation of the plans, specifications and observation of the work of construction.

**Exception:** Where the plans, specifications or work of construction do not involve architectural or structural work or changes, the said plans, specifications and observation of the work of construction may be under the responsible charge of a professional engineer qualified to perform services and registered in that branch of engineering applicable to the work.

A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part.

(b) **Delegation of responsibility.** The architect or structural engineer in general responsible charge may delegate responsibility for any portion of the preparation of the plans, specifications and observation of the work of construction, or may employ or retain, other architects or registered engineers. No delegation to, or employment or retention of others shall be construed as relieving the architect or structural engineer in general responsible charge of his or her rights, duties and responsibilities under Sections 17302 and 81138 of the Education Code and Sections 4-336, 4-341 and 4-344 of these regulations.

Subject to the provisions of the immediately precedent sentence, the architect or structural engineer in general responsible charge may employ or retain, under his or her supervision, professional engineers registered in the applicable branches of engineering to design and observe the construction, including the making of verified reports (see Section 4-336).

(c) **Assumption of responsibility.** The architect or registered engineer who has been delegated responsibility becomes the “responsible design professional” for that delegated portion of the work. Any design professional delegated responsibility for any portion of the work shall perform the duties prescribed in Section 4-341(c). Any design professional delegated responsibility for any portion of the observation of construction shall perform the duties prescribed in Section 4-341(f).

When an architect or registered engineer accepts the responsibility for completion of a project or portion of a proj-

ect started by another, that architect or registered engineer thereby assumes responsibility as follows:

1. If the change in responsibility occurs prior to the approval of the design documents, all responsibility shall be assumed. (See first paragraph of this subsection for procedure.)
2. If the change in responsibility occurs after the design drawings and specifications have been approved by DSA, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the previous architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that purpose.

(d) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be established by the following:

1. Acceptance as architect or registered engineer in general responsible charge for the preparation of the plans, specifications and observation of the work of construction shall be reported using the form(s) prescribed by DSA.
2. Acceptance as the responsible design professional to whom portions of the preparation of the plans and specifications has been delegated shall be reported using form(s) prescribed by DSA.
3. Acceptance as the responsible design professional to whom portions of the observation of work of construction has been delegated shall be reported using form(s) prescribed by DSA. Any change in the assumption of the general responsible charge or of delegated responsibility shall be reported using the form(s) prescribed by DSA. If no form is available for a specific delegation or change, the delegation of responsibility shall be reported in letter form, which shall include an indication that the school board has been notified.

(e) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observation of the work of construction, provided such persons are architects or registered engineers who themselves are qualified under these rules and regulations to assume the responsibility assigned.

Alternates shall be named on a form prescribed by DSA, or if no form is available, reported in letter form. Letters or forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the school board has been notified.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17302 and 81138.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-316, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

#### 4-317. Plans, specifications, calculations and other data.

(a) **General.** An application for approval of plans and specifications shall be filed with DSA, and the plans and specifications, design calculations, site data and a fee payment calculated on the estimated cost shall be submitted in accordance with procedures established by DSA. The plans and specifications shall include the construction documents required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

**Exception:** DSA may require that an application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 be accompanied by the filing fees per Sections 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

Plans and specifications that when submitted are determined, through initial plan check, by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before detailed plan checking commences.

(b) **Plans.** Plans shall designate the use or occupancy of all parts of the school buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The plans shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily interpreted. Where a project includes several school buildings, the plans for each shall be drawn independently except that details common to all need not be repeated.

The architect or engineer in general responsible charge or the professional engineer delegated responsibility for the design of the structural system of the project shall design and detail the anchorage and bracing of nonstructural elements. The details for the bracing and anchorage of nonstructural elements shall be shown and cross-referenced on the drawings.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into permanent construction and shall describe the methods not covered in the technical regulations that are to be used to obtain the required quality of the work shown on the plans as described in the specifications.

Due to the difficulty of anticipating every unsatisfactory condition that might be found in existing construction where addition, alteration, rehabilitation or reconstruction work is proposed, the following clause or one of similar meaning shall be included in the specifications:

“Should any existing conditions such as deterioration or noncomplying construction be discovered that is not covered by the DSA approved documents wherein the finished work will not comply with Title 24, California Code

of Regulations, a construction change document, or a separate set of plans and specifications, detailing and specifying the required repair work shall be submitted to and approved by DSA before proceeding with the repair work.”

(d) **Design calculations.** Calculations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that capacities for individual structural members and their connections can be verified without additional calculations. All assumptions used in the calculations and their bases shall be stated. The calculations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed school building will resist vertical loads and horizontal forces.

The calculations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, C.C.R. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in calculations and noted on plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all school sites shall include a geotechnical engineering report including subsurface site work, laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundations to be used and an allowable design value for the soil-bearing capacity.

A geologic and earthquake hazard report shall be submitted with the application for all new school sites, and for all construction on existing school sites located in a Seismic Hazard Zone, an Alquist-Priolo Earthquake Fault Zone, or in a seismic hazard zone designated in the Safety Element of a Local General Plan. DSA may require a geologic and earthquake hazard study for any construction on a school site outside of the boundaries of any geologic hazard zone where a potential geologic hazard has been previously identified.

Reports shall be prepared, and signed by a California-certified engineering geologist and a California-registered geotechnical engineer. Geologic hazard reports shall include an evaluation of the potential for damage due to flooding.

No school building shall be constructed, rehabilitated, reconstructed or relocated within 50 feet of the trace of an active fault that has experienced surface displacement within Holocene time (approximately 11,000 years).

(f) **Estimates of cost.** Estimates of cost shall be based on the cost prevailing at the time the plans and specifications are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans or specifications as if each alternate building and portion were to be constructed separately and simultaneously.

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, the estimated cost of the project shall be based on the cost prevailing at the time that the application is submitted. Upon submittal of complete plans and specifications, DSA may require the applicant to revise the estimated cost based on

prevailing costs at that time. If the estimated cost has increased, the applicant shall submit additional filing fees based on the revised estimated cost.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by more than 30 percent, the estimated cost may be revised. An additional fee, if required, based on the revised estimated cost of the revision shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost, a refund of overpaid fees may be claimed. (See Section 4-322 for actual cost and Section 4-325 for billing for further fees.)

(g) **Deferred submittals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected, provided the following conditions are met:

1. The project plans clearly indicate that DSA approval of the deferred submittal is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred submittal item. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred submittal item to DSA, with notation indicating that the deferred submittal documents have been found to be in general conformance with the design of the building.
4. Fabrication of deferred submittal items shall not begin without first obtaining the approval of deferred portions of the plans and specifications by DSA.

(h) **Signatures required.** The original signature sheet for the specifications and all plans, submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of the design of the project.

When responsibility for a portion of the work has been delegated, the plans and the original cover sheet for the specifications covering that portion of the design shall bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that of the architect or engineer in general responsible charge. As an option, the architect or engineer in general responsible charge may sign the documents with notation indicating that the documents have been coordinated with the design documents and found to be in general conformance with the design.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17299, 17212, 17212.5, 17319, 81133.1, 81135 and 81033.

#### **HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-317, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.



**4-324. Examples and explanations of fee computation.****(a) Filing fee to accompany application.**

Filing Fee under Schedule 11		
Estimated Cost \$8,000		
$1.25\% \times \$8,000$	=	\$100.00
Filing Fee is the minimum charge		\$250.00
Filing Fee under Schedule 11		
Estimated Cost: \$925,000.00		
$1.25\% \times \$925,000$	=	\$11,562.50
Filing Fee under Schedule 11		
Estimated Cost: \$1,260,000.00		
$1.25\% \times \$1,000,000$	=	\$12,500.00
$1.0\% \times \$260,000$	=	<u>2,600.00</u>
		\$15,100.00
Corrected Estimate under Schedule 11		
Estimated Cost on Application: \$925,000.00		
$1.25\% \times \$925,000$	=	\$11,562.00
1st Contract		700,000.00
2nd Contract		<u>525,000.00</u>
		\$1,225,000.00
(Exceeds \$925,000 by more than 30%)		
Corrected Estimated Cost: \$1,225,000.00*		
$1.25\% \times \$1,000,000$	=	\$12,500.00
$1.0\% \times 225,000$	=	<u>2,250.00</u>
		\$14,750.00
Fee previously paid		\$11,562.00
Corrected filing fee due		\$3,188.00

**(b) Further fees where the actual cost exceeds the estimated or corrected estimated cost by more than 5 percent.**

Further Fee under Schedule 11		
Corrected Estimated Cost: \$1,225,000*		
Actual Cost \$1,352,740.50		
$1.25\% \times \$1,000,000.00$	=	\$12,500.00
$1.0\% \times 352,740.50$	=	<u>3,527.41</u>
		\$16,027.41
Filing Fee Paid		
$1.25\% \times \$1,000,000$	=	\$12,500.00
$1.0\% \times 225,000$	=	<u>2,250.00</u>
		\$14,750.00
Further Fee	=	\$ 1,277.41

\*The corrected estimated cost could be more than the sum of contracts if all work called for on plans is not yet under contract.

**Authority:** Education Code Sections 17300, 17301, 17310, 81133 and 81142.

**Reference:** Education Code Sections 17300, 17301 and 81133.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-324, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-325. Billing for further fees.** The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds due to errors in cost reporting or fee computation shall be made within six months from date of billing.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17300 and 81133.

**4-326. Fees for approval of an evaluation and design criteria report for rehabilitation of an existing building for use as a school building.** A retainer fee of \$2,000.00 shall be required with submittal of the pre-application for a rehabilitation project in accordance with Section 4-306 or 4-307(c). Fees incurred in excess of the retainer fee for DSA review of the Evaluation and Design Criteria Report shall be based on the established hourly billing rate of the Department. Prior to approval of the Evaluation and Design Criteria Report, any additional fees incurred by DSA shall be paid in full. Any unused portion of the retainer fees shall be returned to the school district.

**Authority:** Education Code Section 17310.

**Reference:** Education Code Section 17280.5.

**HISTORY:**

1. (DSA/SS (EF 02/03) Emergency adoption/approval of administrative and procedural requirements for the adaptive reuse of existing buildings for public school use; CCR Title 24, Part 1. Approved as emergency by the California Building Standards Commission on May 14, 2003, and filed with the Secretary of State on May 15, 2003. Effective May 15, 2003.

**4-327. Fees for DSA review prior to application filing.** An hourly fee may be charged to the school district for the review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district and in accordance with the published rates and collection procedures established by DSA.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17319 and 81133.1.

**4-328. Fees for DSA certification of construction.** A fee may be charged to the school district for the review and processing of all required documents submitted for the issuance of certification in accordance with the published rates and collection procedures established by DSA.

**Authority:** Education Code Sections 17310, 17315, 81142 and 81147.

**Reference:** Education Code Sections 17315(c) and 81147(c).

## ARTICLE 5 CERTIFICATION OF CONSTRUCTION

**4-330. Time of beginning construction and partial construction.** Construction work, whether for a new school building, reconstruction, rehabilitation, alteration or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications. Construction shall be commenced within four years after the approval of the plans; otherwise, the approval is void.

**Exception:** DSA may withdraw approval or institute post-approval requirements as necessary to address life safety concerns due to information received after approval of plans and before commencement of construction.

The school board may complete all work or proceed with the construction of any part of the work included in the approved plans and specifications with the intent of completing the work later. All work done and materials used and

installed must be in accordance with and in conformity to the approved plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of Article 3 or 7 commencing with Sections 17280 and 81130 of the Education Code, respectively. Section 17372 of the Education Code restricts the use of such a building.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17297, 17307, 17372 and 81130.

**4-331. Notice to DSA at start of construction.** The architect or registered engineer responsible for the project or the school district shall promptly notify DSA of the start of construction using forms and procedures specified by DSA.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17295, 81130 and 81133.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-331, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-332. Notice of suspension of construction.**

(a) When construction is suspended for more than one month, the project inspector shall notify DSA [see Section 4-336(c)3].

(b) If all construction is suspended or abandoned for any reason for a continuous period of one year following its commencement, the approval of DSA shall become void. DSA may reinstate the approval on the request of the school board.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17310 and 81142.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-332, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-333. Observation and inspection of construction.**

(a) **Observation by architect or registered engineer.** The Act requires that the observation of the work of construction, reconstruction, rehabilitation, alteration or addition shall be under the general responsible charge of an architect, structural engineer, or under certain conditions a professional engineer registered in that branch of engineering applicable to the work. (See Section 4-316.)

The responsible geotechnical engineer, or his or her qualified representative, shall perform all testing and special inspection of all earth materials, the placement and compaction of engineered fills, and the geotechnical aspects of foundations, retaining walls and foundation anchors. The responsible geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2.

(b) **Inspection by a project inspector.** The school board must provide for and require competent, adequate and continuous inspection by an inspector satisfactory to the architect or registered engineer in general responsible charge of observation of the work of construction; to any registered structural

engineer delegated responsibility for a portion of the work; and to DSA.

1. The cost of project inspection shall be paid for by the school board. An inspector shall not have any current employment relationship with any entity that is a contracting party for the construction or any entity providing any services for the school district except for services directly related to project inspection.
2. Project inspectors are prohibited from any activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.
3. For every project there shall be a project inspector who shall have personal knowledge as defined in Sections 17309 and 81141 of the Education Code of all work done on the project or its parts as defined in Section 4-316. No work shall be carried on except under the inspection of an inspector approved by DSA. On large projects adequate inspection may require the employment of one or more approved assistant inspectors in accordance with Section 4-333(d). The employment of special inspectors or assistant inspectors shall not be construed as relieving the project inspector of his or her duties and responsibilities under Sections 17309 and 81141 of the Education Code and Sections 4-336 and 4-342 of these regulations.
4. The project inspector shall be capable of performing all essential functions of the job.
5. The project inspector and any assistant inspector must be approved by DSA for each individual project. Prior to being eligible for approval, any project inspector or any assistant inspector shall establish, to the satisfaction of DSA that he or she:
  - A. is appropriately certified by DSA, per Section 4-333.1; and
  - B. has adequate knowledge and experience to perform the required duties for the project. He or she shall have at least three years experience in inspection or construction work on building projects of a type similar to the project. For newly certified inspectors without prior DSA project inspection experience, attendance of DSA-specified training is required; and
  - C. will provide sufficient time on the project to fulfill all inspection responsibilities required by these regulations.
6. An approved project inspector may be replaced in accordance with the process outlined in Section 4-341(d). The school district shall ensure that a replacement inspector is provided prior to continuation of construction work. DSA may withhold approval of the replacement inspector until a verified report by the previous project inspector is submitted in accordance with Section 4-336(c)5.
7. DSA may withdraw the inspector's approval for the project due to failure of project inspector to comply

with the requirements contained in Section 4-342(b). DSA shall communicate the withdrawal of the project inspector's approval in writing to the school district and the architect or registered engineer in general responsible charge. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.

8. The project inspector may perform special inspections if the project inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.
9. The detailed inspection of all work, as specified in Section 4-335(f), is the responsibility of the project inspector when a special inspector is not provided.

(c) **Special inspection.** Special inspection by qualified inspectors shall be in accordance with Title 24, Part 2, Chapter 17A.

DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A, Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.

(d) **Assistant inspectors.** Assistant inspectors are approved by DSA to assist the project inspector with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 or 2 certified project inspector.

1. On large projects DSA may require the employment of assistant inspectors when the project inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When assistant inspectors are required by DSA the project inspector shall remain on-site providing supervision of all assistants during all construction.
2. All assistant inspectors must be approved by DSA prior to performing any inspection work in accordance with Section 4-341(d). Prior to being approved by DSA as an assistant inspector the individual must satisfy all of the following requirements:
  - A. Be certified as a Class 1, Class 2, Class 3 or Class 4 inspector in accordance with Section 4-333.1.
  - B. Must possess adequate experience for the type of construction that the assistant will be assigned to inspect.
  - C. Document at least three years of experience in the types of construction that the assistant will inspect. Experience must be obtained in construction or inspection of buildings similar to the buildings for which the individual is applying.
3. The assistant inspector shall establish, to the satisfaction of DSA that he or she meets all of the requirements established in Section 4-333(b)5.
4. Failure of the assistant inspector to perform any of the duties specified in these regulations may be cause for DSA to take action as outlined in Section 4-342(d).

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17309, 17311, 81130, 81138, 81141 and 81143.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-333, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 2/95) Regular order by the Division of the State Architect/Structural Safety Section to amend Section 4-333. Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**4-333.1. Project inspector certification.** To become a DSA certified project inspector, an applicant must qualify for and successfully complete a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction documents associated with performing inspections as well as the construction, inspection and testing requirements of the *California Building Standards Code*. Examinations are given in three classes.

1. A Class 1 certified inspector may be approved to inspect any project.
2. A Class 2 certified inspector may be approved to inspect any project, except a project containing one or more new structures or additions with a primary lateral force resisting system of steel, masonry or concrete.
3. A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.
4. Though an examination is no longer offered for Class 4, a Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.

To qualify for an examination, an applicant shall possess a high school diploma or equivalent, and shall meet the following minimum qualifications for the classification. Alternative qualifications consistent with those noted herein may be considered by DSA. Possession of a valid California registration as a civil or structural engineer or a valid California license as an architect, and one year qualifying experience in construction observation of buildings or structures as a civil or structural engineer or architect will qualify for any classification.

(a) For Class 1 inspector exam, one of the following:

1. Four years of experience as a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection, with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA, on:

A. new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,

B. construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,

C. building projects of Type I or II construction.

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate's degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

2. Four years of qualifying experience as the lead project construction superintendent on:

A. new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,

B. construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,

C. building projects of Type I or II construction.

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

3. Two years of qualifying experience as a DSA certified Class 2 project inspector on Class 2 projects.

4. Possession of certification as a DSA Class 2 project inspector with one year minimum qualifying experience as a DSA Class 2 project inspector on Class 2 projects and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:

A. an assistant project inspector; or

B. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or

C. a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.

lent limited to working in the carpentry, steel, concrete or masonry trades.

**Exception:** The substitutions listed below may be applied to A, B or C above up to a maximum of one year.

i. Special inspector experience (limited to inspecting steel, concrete, mass timber, or masonry construction with a valid certification from a state or nationally recognized organization, as accepted by DSA).

ii. Journeyman or equivalent experience (limited to working in the carpentry, steel, concrete, or masonry trades).

5. Possession of certification as a DSA Class 3 project inspector with three years minimum qualifying experience as a DSA Class 3 project inspector on Class 3 projects and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:

A. an assistant project inspector; or

B. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or

C. a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.

**Exception:** The substitutions listed below may be applied to A, B or C above up to a maximum of one year.

i. Special inspector experience (limited to inspecting steel, concrete, mass timber, or masonry construction with a valid certification from a state or nationally recognized organization, as accepted by DSA).

ii. Journeyman or equivalent experience (limited to working in the carpentry, steel, concrete, or masonry trades).

6. Possession of certification as a DSA Class 3 project inspector with one year minimum qualifying experience as a DSA Class 3 project inspector on Class 3 projects and ten years of relevant construction experience, including four years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete, or masonry trades on construction projects consistent with the DSA Class 1 or 2 project classification.

**Exception:** Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience. Possession of an associate degree in architecture, engineering, building inspection and/or construction may be substituted for

two years of required journeyman or equivalent experience. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.

(b) For Class 2 inspector exam, one of the following:

**Exception:** DSA may allow an applicant lacking years of experience, up to a maximum of one year, in the minimum qualifications options below to sit for the Class 2 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.

1. Three years of experience as a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection, with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA, or five years of experience in the same role with a valid certification as a commercial building inspector or residential combination building inspector by a state or nationally-recognized organization, as accepted by DSA on:

- A. new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or
- B. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or
- C. building projects of Type I, II, III or IV construction.

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems, may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

2. Three years of qualifying experience as the lead project construction superintendent on:

- A. new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130, and these regulations; and/or
- B. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or

- C. building projects of Type I, II, III, or IV construction; or
- D. building construction consistent with the DSA Class 1 or 2 project classification; or,

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate's degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

3. Two years of qualifying experience as a DSA certified Class 3 project inspector on Class 3 projects.
4. Possession of certification as a DSA Class 3 project inspector with one year minimum qualifying experience as a DSA Class 3 project inspector on Class 3 projects and any combination of two years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:

- A. an assistant project inspector; or
- B. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial building inspector or residential combination inspector by a state- or nationally-recognized organization, as accepted by DSA); or
- C. a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.

**Exception:** The substitutions listed below may be applied to A, B or C above up to a maximum of one year.

- i. Special inspector experience (limited to inspecting steel, concrete, mass timber, or masonry construction with a valid certification from a state or nationally recognized organization, as accepted by DSA).
- ii. Journeyman or equivalent experience (limited to working in the carpentry, steel, concrete, or masonry trades).
5. Eight years of relevant construction experience, including three years as a journeyman or equivalent, limited to working in carpentry, steel, concrete, or masonry trades on construction projects consistent with the DSA Class 1 or 2 project classification.

**Exception:** Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience. Possession of an associate degree in architecture, engineering, building

inspection and/or construction may be substituted for two years of required journeyman or equivalent experience. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.

6. Possession of at least two valid special inspector certifications in steel, concrete, mass timber, or masonry and eight years of special inspector experience (inspecting steel, concrete, mass timber, or masonry construction). No more than three years of a single type (related to steel, concrete, mass timber, or masonry) of special inspection experience can be used.

(c) For the Class 3 inspector exam, one of the following:

**Exceptions:**

- i. DSA may allow an applicant lacking years of experience, up to a maximum of one year, in the minimum qualifications options below to sit for the Class 3 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.
  - ii. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may sit for the Class 3 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.
1. Two years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of building construction or construction consistent with the DSA Class 1, 2 or 3 project classification with a valid certification as a residential combination or commercial building inspector by a state- or nationally-recognized organization, as accepted by DSA.

**Exception:** Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

2. Possession of a valid California registration as a mechanical or electrical engineer and one year qualify-

ing experience in construction observation of building systems.

3. Two years of qualifying experience as the lead project construction superintendent working on building projects or projects consistent with the DSA Class 1, 2 or 3 project classification.

**Exception:** Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience. Experience may be substituted with completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for a maximum of six months.

4. Two years of qualifying experience as a DSA certified Class 4 project inspector.
5. Possession of certification as a DSA Class 4 project inspector with one year minimum qualifying experience as a DSA Class 4 project inspector and any combination of one year of qualifying experience on building projects or projects consistent with the DSA Class 1, 2 or 3 project classification as:

A. an assistant project inspector; or

B. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial building inspector or residential combination inspector by a state or nationally-recognized organization, as accepted by DSA); or

C. a special inspector (inspecting steel, concrete, mass timber, or masonry construction with a valid certification from a state- or nationally-recognized organization, as accepted by DSA); or

D. a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.

**Exception:** Possession of a baccalaureate or higher, associate degree, or completed college coursework in architecture, engineering, building inspection and/or construction may be substituted as part of the combined (i.e., non-Class 4) experience on a month-for-month basis up to a maximum of one year.

6. Six years of relevant construction experience, including two years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete, or masonry trades on building construction projects consistent with the DSA Class 1, 2 or 3 project classification.

**Exception:** Two years of journeyman or equivalent experience may be substituted with possession of a baccalaureate or higher. One year of journeyman or

equivalent experience may be substituted with possession of an associate degree. Journeyman or equivalent experience may be substituted with or completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for up to a maximum of six months.

7. Possession of at least two valid special inspector certifications in steel, concrete, or masonry and four years of special inspector experience (inspecting steel, concrete or masonry construction). No more than two years of a single type (related to steel, concrete, or masonry) of special inspection experience can be used.

An applicant for the certification examination or an inspector possessing a valid certificate issued by DSA, shall file changes of name, mailing address, email address or telephone number with the DSA headquarters office within 10 working days of that change. The information filed shall include the new and former name, mailing address, email address or telephone number.

Certification will be valid for a period of four years unless revoked in accordance with Section 4-342(d) or upgraded by achieving certification in a different class. Certification may be renewed by passing a recertification examination and attending DSA training classes that may include applicable continuing education courses acceptable to DSA that are presented by other entities acceptable to DSA.

DSA may charge an examination fee and training fee to recover reasonable costs.

An applicant for either the certification or recertification examination shall conduct his or her self during the examination in an ethical manner, with honesty and consideration for other examinees, shall not reveal examination contents with anyone during or after the examination, shall not falsify documents required for examination entrance and shall comply with published rules of the examination. Noncompliance may result in immediate expulsion from the examination without passage of any or all parts, forfeiture of fees, required payment of fines and other costs incurred by DSA in addressing the noncompliance, and nonentry to future certification or recertification examinations. Noncompliance by certified inspectors attempting to elevate their inspector classification may be cause for DSA to take disciplinary action in accordance with Section 4-342(d).

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17311 and 81143.

#### **4-334. Supervision by the Division of the State Architect.**

During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA, as provided by the Act, shall make such site visits as in its judgment are necessary for proper enforcement of the Act and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to the issuance of the certification of compliance it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the architect or registered engineer in general responsible charge, the contractor

and the school district of the necessity for such modifications or changes.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17311 and 81143.

#### **HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-334, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

#### **4-334.1. Stop work order.**

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and that would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working on the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17307.5 and 81133.5.

#### **4-335. Structural tests and special inspections.**

(a) **General.** Structural tests and special inspections are required as set forth in these regulations and Part 2 of Title 24, C.C.R.

Whenever there is insufficient evidence of compliance with any of the provisions of Title 24, C.C.R., or evidence that any material or construction does not conform to the requirements of Title 24, C.C.R., DSA may require tests/inspections as proof of compliance to be made at no expense to DSA.

Test/inspection methods shall be as specified by Title 24, C.C.R. and by applicable referenced standards, as listed in Chapter 35 of Part 2 of Title 24, C.C.R. If there are no recognized and accepted test/inspection methods, the responsible architect or structural engineer shall submit written alternate test/inspection procedures for review and acceptance by DSA.

The school board shall, with the advice of the architect or registered engineer in general responsible charge, select the laboratory of record, acceptable to DSA in accordance with Section 4-335.1, to conduct all required tests for the project, and special inspections that are contracted to the laboratory of record. The laboratory of record shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by a laboratory acceptable to DSA, as described in Section 4-335.1. Where job conditions warrant, the architect or registered engineer in general responsible charge may waive certain tests with the approval of DSA. The responsible architect or structural engineer shall prepare a statement of

structural tests and special inspections, obtain DSA approval and provide a copy of the approved statement of structural tests and special inspections to the laboratory of record and the project inspector prior to the start of construction.

(b) **Payments.** The school board shall pay for all tests/inspections, but if so specified the amount or a portion thereof may be collected from the contractor by the school board. When in the opinion of the architect or registered engineer, additional tests/inspections are required because of the manner in which the contractor executes his or her work, such tests/inspections shall be paid for by the schoolboard, but if so specified the amount paid may be collected from the contractor by the school board. Examples of such tests/inspection are: tests of material substituted for previously accepted materials, retests or re-inspections made necessary by the failure of material to comply with the requirements of the approved construction documents and specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(c) **Sampling and testing of materials.** Samples or specimens of material for testing shall be taken by a qualified representative of the laboratory of record. For a minor scope of work, the project inspector may, if qualified and other duties permit, be authorized in writing by DSA to obtain, handle, prepare, protect, transport and/or store test specimens.

In general, samples may be selected at random; however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the project inspector, responsible architect or structural engineer or DSA representative. In no case shall the contractor or vendor select the sample location or obtain specimens.

Obtaining, handling, preparing, protecting, transporting or storing of samples and testing shall be in accordance with the standards as provided for in the approved plans, specifications and in the applicable building regulations.

In cases where a tested sample has failed to meet the requirements of the DSA approved documents, the responsible architect or structural engineer, subject to the approval of DSA, may permit retest of the material or in-place work.

(d) **Test reporting requirements.**

1. The laboratory of record shall complete detailed test reports outlining all structural material tests. Report format shall be as prescribed by DSA.
2. Reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or nonconforming.
3. The reports shall clearly state that the material or materials were sampled and tested in accordance with the requirements of these regulations and the approved plans and specifications. Reports shall also clearly state whether or not the material or materials tested met the requirements of the DSA approved documents.
4. All reports of tests performed on-site shall be submitted to the project inspector within one work day of the day the tests were performed.
5. Within 7 calendar days of the date of any material test, the laboratory of record shall submit all such test reports

to DSA, the design professional in general responsible charge, the structural engineer, the project inspector, the contractor and the school district.

6. Reports of material tests not conforming with the requirements of the DSA approved documents shall be forwarded immediately to DSA, the design professional in general responsible charge, the structural engineer, the project inspector, the contractor and the school district.

(e) **Verified reports by the laboratory of record.** The laboratory of record shall submit a verified report to DSA, and provide a copy to the architect or registered engineer in general responsible charge, the school board and the project inspector, covering all of the tests and special inspections that were required to be made by that laboratory. Such report shall be furnished within 14 days of the completion of the testing/special inspection program, whenever required by DSA, or any time that work on the project is suspended, or services of the laboratory of record are terminated. The report shall cover the tests and special inspections completed at that time.

The verified report shall be signed, under penalty of perjury, by the California registered civil engineer charged with engineering managerial responsibility for the laboratory of record. The verified report shall state that the structural tests and special inspections required by the DSA approved documents were made. The report shall include a list of any non-compliant material or inspected work that has not been resolved by the date of the verified report. Any required tests or special inspection work that was not conducted by the laboratory of record shall be listed on the verified report, with an explanation why they were not performed.

(f) **Special inspection.** A special inspector shall not be less than 25 years of age, shall have had at least three years of experience in construction work or special inspection work on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty and shall be able to read and interpret plans and specifications.

DSA may require evidence of the proposed special inspector's knowledge and experience by requiring proof of valid certification, as appropriate, from national, regional, or state authorities and/or by successful completion of a written and/or oral examination by the applicant before approval is granted. DSA may charge a fee to administer such examinations. DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated acceptable performance of duties assigned and/or attendance at continuing education classes.

1. Special inspectors shall be employed by the laboratory of record or contract individually and directly with the school board.

**A. Special inspectors employed by laboratory of record.**

**Assignment to a project:** Special inspectors employed by the laboratory of record, under the supervision of the laboratory's engineering manager, do not require DSA project specific approval.



**Supervision:** Supervision of special inspectors employed by the laboratory of record shall be provided by the engineering manager, whose supervision duties shall include but are not limited to the following tasks:

- (i) Providing oversight and responsible control of special inspection services and associated report documents.
- (ii) Verifying that special inspectors meet all employment requirements and possess the training, education, technical knowledge, experience and/or certifications necessary to perform the duties assigned. The engineering manager shall also ensure that records of relevant certifications, qualifications, training and experience of inspection personnel are maintained at the laboratory facility and made available upon request to DSA.
- (iii) Verifying that special inspectors conduct the required field-related services in strict accordance with DSA approved documents and applicable standards.
- (iv) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.
- (v) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

**B. Special inspectors who contract individually and directly with the school board.**

**Approval for a project:** The school board, or architect or registered engineer in general responsible charge shall secure DSA approval for special inspectors as required prior to commencement of work for which special inspection is required.

**Supervision:** The duties of the architect or registered engineer in general responsible charge in directing the special inspector shall include but are not limited to the following tasks:

- (i) Verifying that special inspectors possess the training, education and/or certifications necessary to perform the duties assigned.
- (ii) Verifying that special inspectors conduct the required special inspection services in strict accordance with DSA approved documents and applicable standards.
- (iii) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.
- (iv) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.
- (v) Verifying that all special inspectors working under the direction of the design professional

have filed verified reports as prescribed by Section 4-336(c), and that all code-required special inspections were completed.

2. The acceptance or approval of special inspectors may be withdrawn by DSA if the special inspector fails to comply with any part of these regulations or the applicable inspection-related referenced standards on the approved plans and specification.
3. The duties of the special inspector shall include but are not limited to the following:
  - A. Review and comprehend all applicable DSA approved construction documents, shop drawings, requirements of applicable code and code referenced standards.
  - B. Perform the inspections in conformance with the requirements of the DSA approved documents, applicable code and code referenced standards.
  - C. Verify whether or not the work conforms to the requirements of the DSA approved documents, applicable code and code referenced standards.
  - D. The special inspector shall not accept any deviation from the DSA approved documents unless the revision has been approved by DSA.
  - E. Report in writing immediately any work that the special inspector deems nonconforming, and that is not immediately corrected upon notifying the contractor. Submit the report to the project inspector, DSA, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the contractor and the school district.
  - F. Complete and submit all required reports, as set forth in sub-section 4 below.
  - G. Special inspectors who contract individually and directly with the school district shall maintain records of all special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school district, design professional in responsible charge and DSA upon request. Such records shall include all special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs, and such other information as may be appropriate to establish the sufficiency of the inspection program.

**4. Inspection reporting requirements:**

- A. **Special inspector daily reports.** Special inspectors shall prepare detailed daily inspection reports outlining the work inspected and shall forward a copy of the report to the project inspector within one day of the day the inspections were performed.

Reports indicating materials or workmanship found to be nonconforming with the requirements of the DSA approved documents shall be forwarded immediately to the project inspector, DSA, the architect or registered engineer in general responsible

ble charge, the structural engineer delegated responsible charge for observation of construction, the contractor and the school district.

Within 7 days of the date of any special inspection, the special inspector shall submit copies of all daily reports to DSA, the school district, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the contractor and the project inspector.

Report format shall be as prescribed by DSA. Reports shall clearly state whether the work was inspected in accordance with the requirements of the DSA approved documents for the project. Reports shall also clearly state whether the work inspected met the requirements of the DSA approved documents. Reports shall include all special inspections made regardless of whether such inspections indicate that the work is satisfactory or nonconforming.

**B. Special inspector verified report.** Each special inspector who contracts individually and directly with the school board shall complete a verified report, as required by Section 4-336, and submit it to DSA, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the school board and the project inspector. Such report shall be furnished within 14 days of the conclusion of work requiring special inspection, whenever required by DSA, or any time that work on the project is suspended, or services of the special inspector are terminated. The report shall cover the special inspection work completed at that time.

The verified report shall indicate that all special inspections were made as required by the approved plans and specifications, and shall list any noncompliant work that has not been resolved by the date of the verified report. Any required special inspections that were not conducted by the special inspector shall be listed on the verified report, with an explanation.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17309 and 81141.

#### **HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-335, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

#### **4-335.1. DSA Laboratory Evaluation and Acceptance program.**

(a) **General.** Laboratories conducting any special inspection, testing, or obtaining, handling, preparing, protecting, transporting or storing of samples must be accepted by the DSA Laboratory Evaluation and Acceptance (LEA) program. A laboratory may apply for DSA acceptance by submitting an application on a form prescribed by DSA, along with support-

ing documentation, to DSA. Upon receipt of a valid application, DSA shall evaluate the laboratory to verify that requirements of these regulations are met and that engineering managerial and supervisory staff are familiar with Title 24, C.C.R. requirements pertinent to materials testing and special inspection.

A letter of acceptance by DSA shall be issued to the laboratory and shall state that the laboratory has demonstrated that it has met the criteria established by DSA for performance of material testing and special inspection of work under DSA jurisdiction. A list of accepted LEA laboratories showing the types of tests and inspections for which they have been approved shall be posted on the DSA website.

(b) To qualify for acceptance, a laboratory shall comply with the following requirements:

1. **Qualification criteria.** The laboratory shall obtain and maintain accreditation for ASTM E329-11: *Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection*, through required evaluation and accreditation as described below.

Other nationally recognized evaluation services or accreditation bodies, equivalent to those indicated below, may be accepted by DSA with prior approval.

- A. The laboratory shall receive on-site assessments and quality system evaluations by the American Association of State Highway and Transportation Officials (AASHTO) re:source and/or the Cement and Concrete Reference Laboratory (CCRL).
- B. The laboratory shall maintain accreditation from the AASHTO Accreditation Program (AAP).

In addition, the laboratory must maintain accreditation for the following standards, as applicable: ASTM C1077 (Aggregate), ASTM C1077 (Concrete), ASTM C1093 (Masonry) and ASTM D3740 (Soil).

The laboratory shall maintain participation in applicable AASHTO re:source and CCRL proficiency sample programs.

The laboratory must authorize the release of accreditation, assessment and proficiency sample testing information to DSA.

2. **Laboratory structure.** Each laboratory facility shall employ a full-time engineering manager who is a State of California registered civil engineer. The engineering manager shall possess a minimum of 5 years of relevant experience in the inspection and testing industry and hold a management position in the company. All testing and special inspection services shall be performed under the engineering manager's general supervision. The engineering manager shall be responsible for ensuring that all technicians and special inspectors employed by the laboratory are appropriately trained, qualified and certified in their area of expertise. The engineering manager may not be employed by any other DSA accepted laboratory that provides special inspection or testing services on DSA

regulated projects. Administration and business practices of the laboratory shall comply with all relevant California State and Federal laws.

3. **Supervision.** Supervision by the engineering manager shall include but is not limited to the following tasks:
  - A. Providing oversight and responsible control of all field and laboratory testing services, special inspection services and associated report documents.
  - B. Verifying that technicians and special inspectors meet all employment requirements and possess the training, education and/or certifications necessary to perform the duties assigned.
  - C. Verifying that qualified technicians and special inspectors conduct the required laboratory and field-related services in strict accordance with DSA approved documents and applicable standards.
  - D. On-site monitoring of the special inspection activities to assure that the qualified special inspector is performing his or her duties as required. Frequency of the visits shall be determined by the engineering manager, who shall consider the size and complexity of the project.
  - E. Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.
4. **Limitation of duties.** LEA laboratory activities are specifically limited to those tests/special inspections for which the laboratory has been approved and for which it has satisfied the requirements set forth in these regulations. No laboratory shall conduct any test or special inspections for which the laboratory is not qualified or approved by DSA to perform. The laboratory of record may subcontract tests/special inspections for which it is not approved to another LEA accepted laboratory possessing that approval.
5. **Equipment and tools.** A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations. The laboratory shall possess and maintain all tools and equipment required to perform the specific tests and special inspections for which it is approved. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards.
6. **Documentation.** A laboratory shall maintain records of all tests and special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school board, design professional in responsible charge and DSA upon request. Such records shall include all laboratory test reports, special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photo-

graphs, and such other information as may be appropriate to establish the sufficiency of the testing/special inspection program.

The laboratory's engineering manager shall review test and special inspection reports and progress reports for conformance of inspected work with the approved plans, specifications and workmanship provisions of the California Building Code (CBC) and referenced standards. Such supervision and control shall be evidenced by the engineering manager's signature and seal on the verified reports required by these regulations.

7. **Obligation to avoid conflict of interest.** Laboratories shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect, test, verify, or certify.
8. **Evaluations.** The qualifications and capabilities of testing laboratories statewide are subject to evaluation by DSA LEA program personnel. Evaluations occur upon application for initial acceptance, application for renewal, a change in responsible engineering manager, laboratory location, supervisory personnel, and company name and/or services. Evaluations may include but are not limited to a review of the application submittal, consultation with the engineering manager as well as an on-site examination/evaluation of the quality system, equipment, personnel and records.
9. **Audits.** The operations of a DSA accepted laboratory may be subject to audit by DSA. Audits may occur upon receipt of complaints or evidence of failure by the laboratory to meet the requirements of these regulations. Audits may include but are not limited to the following: review of LEA program records, project specific records, on-site examination of equipment, and records of special inspection and testing services. An audit may result in a requirement that the laboratory be re-evaluated.
10. **Obligation to cooperate with inquiries.** All accepted laboratories shall cooperate in any investigation by DSA into the activities at any school project site or fabricating/manufacturing facility for which they have provided special inspection and/or testing services and shall provide prompt, accurate and complete responses to reasonable inquiries by DSA and other appropriate individuals or agencies.

(c) **Duration of LEA laboratory acceptance.** Acceptance will remain valid for a period of four years unless approval is withdrawn for failure to comply with the requirements of these regulations. Examples of such failure include, but are not limited to:

1. Making changes in engineering management, supervisory personnel, laboratory location, major equipment,

or other key factors without prior notification to the DSA LEA program.

2. Failing to have the laboratory facility evaluated and accredited as outlined in Section 335(b)1, as applicable to services offered.
3. Reporting that materials and/or workmanship meet the requirements of DSA approved documents when they do not.
4. Failing to sample, handle and/or test materials as required by the approved documents, code and referenced standards.
5. Utilizing technicians or special inspectors that do not meet the qualification and/or certification requirements.
6. Failing to adequately supervise technicians and/or special inspectors.
7. Failing to comply with any of the other requirements of these regulations or the DSA approved documents for a project.

(d) **Fees for testing laboratory evaluation.** DSA may charge a fee to cover the costs of evaluating and re-evaluating the laboratory. DSA reserves the right to visit, audit and observe the laboratories.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17309 and 81141.

#### 4-336. Verified reports.

(a) **General.** As the work of construction progresses, the architect or registered engineer in general responsible charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of observation of construction of the work, the project inspector, the geotechnical engineer, the laboratory of record, approved special inspectors contracting individually and directly with the school board, and the contractor shall each make and sign under penalty of perjury, a duly verified report to DSA and provide a copy of the same report to the project inspector. The verified report shall be made upon a prescribed form or forms attesting that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statements of fact as shall be required.

The term “personal knowledge” as applied to an architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to the project inspector means the actual personal knowledge that is obtained from the inspector’s own personal continuous inspection

of the work in all stages of its progress. For work performed away from the site, the project inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for compliance with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to a special inspector means the actual personal knowledge that is obtained from the inspector’s personal inspection of the work assigned. The verified report shall clearly describe the work assigned to each individual special inspector. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.

(b) **Verified report form.** Verified reports shall be made on specific forms prescribed by DSA.

(c) **Required filing.** Verified reports shall be made as follows:

1. By each contractor having a contract with the school board, at the completion of the contract.
2. By the architect, registered engineers and project inspector at the completion of construction as determined acceptable to DSA.
3. By the architect, registered engineers, engineering manager of the laboratory of record, as required by Section 4-335(e), project inspector, and approved special inspectors contracting individually and directly with the school board, at the suspension of all work for a period of more than one month and at identified milestones of completed construction prescribed by DSA.
4. By the project inspector when any building included in the scope of the project is occupied or re-occupied.
5. By any of the following, whenever their services in connection with the project have been terminated for any reason: the architect or registered engineer in general responsible charge, engineering manager of the laboratory of record, project inspector, approved special inspector contracting individually and directly with the school board, or the contractor.
6. By the responsible geotechnical engineer, as required by Section 4-333(a), upon completion of his or her duties.
7. By the engineering manager of the laboratory of record, as required by Section 4-335(e), at the completion of the testing and special inspection program.
8. By the approved special inspector contracting individually and directly with the school board at the conclusion of work requiring special inspection.

ter in Sacramento or in electronic format at the regional offices.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17295, 17299, 17309, 81133, 81135 and 81141.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-351, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-352. Submission of documents.**

(a) **Application.** Applications for approval of plans and specifications shall be submitted to the DSA regional office serving the project location unless specific approval for submittal elsewhere is given by the State Architect. Processing shall be completed by the receiving office but portions of the work may be reassigned.

(b) **Construction documents.** All documents such as notices in accordance with Sections 4-331 and 4-332, qualification records in accordance with Sections 4-333 and 4-341, test reports in accordance with Section 4-335, special inspection reports in accordance with Section 4-335, verified reports in accordance with Section 4-336, and semimonthly reports in accordance with Section 4-337 shall be submitted to the appropriate DSA regional office according to location of the project.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17295, 17299, 17309, 81133, 81135 and 81141.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-352, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

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## GROUP 2

# SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS: FIRE AND LIFE SAFETY

### ARTICLE 1 GENERAL PROVISIONS

**4-401. Purpose.** These regulations implement Section 14963 of the Government Code to ensure that elementary, secondary or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations, Title 24 related to the design aspects of the Fire and Life Safety (FLS) elements, components and systems.

**Authority:** Government Code Section 14963.

**Reference:** Government Code Section 14963.

**4-402. Scope.** Title 24, California Code of Regulations (C.C.R.) parts 2, 3, 4, 5 and 9; known as the California Building Code, designate building regulations that are applicable to the Fire and Life Safety portions of the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81050 of the Education Code. The term “school building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314. Section 14963, Government Code, authorizes the Division of the State Architect (DSA) to carry out the functions and duties related to plan check and inspections of the construction of school buildings.

**Authority:** Government Code Section 14963.

**Reference:** Government Code Section 14963. Education Code Sections 17283 and 81050.

**4-403. Authority for enforcement of regulations.** All duties and functions that relate to the Fire and Life Safety aspects of school construction plan checking and inspections have been vested by law in the Division of the State Architect.

**Authority:** Government Code Section 14963.

**Reference:** Government Code Section 14963.

**4-404. Alternate materials and methods of construction and modifications.** The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA or the State Fire Marshal.

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical, that the modification is in conformance with the intent and purpose of these regulations, and that such modification does not lessen any fire protection requirements, accessibility or degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

**Authority:** Education Code Sections 17310 and 81142. Government Code Section 14963.

**Reference:** Education Code Sections 17280 and 81130. Government Code Section 14963.

**4-405. Application of building standards.** Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 9, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

**Authority:** Education Code Sections 17310 and 81142. Government Code Section 14963.

**Reference:** Education Code Sections 17280 and 81130. Government Code Section 14963.

**4-406. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any school buildings.** Plans and specifications for any new school building or for the reconstruction, rehabilitation, alteration of or addition to school buildings shall be submitted to DSA for approval as required by and in accordance with Sections 4-306 through 4-310. This approval shall include Fire and Life Safety.

**Authority:** Government Code Section 14963. Education Code Sections 17310 and 81142.

**Reference:** Government Code Section 14963. Health and Safety Code Section 13143. Education Code Sections 17280, 17295, 81130 and 81133.

filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to *California Health and Safety Code* Section 18938.

15. Erratum to correct editorial errors in Chapter 4, Section 4-333 and to correct History Note format: effective January 1, 2020.
16. 2019 Intervening Cycle Update (DSA-SS/CC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
17. (DSA-SS/CC 04/21) Amend Chapter 4, Group 1, Article 1, Section 4-309, Article 3, Section 4-316, Article 5, Sections 4-330, 4-335, 4-335.1, Group 3, Article 3, Sections 4-508, 4-509. Repeal Chapter 4, Group 3, Article 4. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
18. (DSA-SS/CC 02/22) Amend Chapter 4, Article 1, Section 4-310, Article 2, Section 4-314, Article 3, Section 4-317, Article 4, Section 4-326, Article 5, Sections 4-330, 4-333, 4-333.1, 4-335, 4-336. Repeal Chapter 4, Article 9, Section 4-355. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.





## CHAPTER 6

# SEISMIC EVALUATION PROCEDURES FOR HOSPITAL BUILDINGS

### ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT (OSHPD)

#### ARTICLE 1 DEFINITIONS AND REQUIREMENTS

**1.0 Scope.** The regulations in this article shall apply to the administrative procedures necessary to implement the seismic retrofit requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

**1.1 Application.** The regulations shall apply to all general acute care hospital facilities as defined in Section 1.2 of these regulations.

**1.2 Definitions.** Unless otherwise stated, the words and phrases defined in this section shall have the meaning stated therein throughout Chapter 6, Part 1, Title 24.

**ADMINISTRATIVE EXTENSION** means an extension not to exceed two years granted while the hospital's application for an extension pursuant to Section 1.5.2 Item 8 is being reviewed by the Office.

**ALTERNATIVE ANALYSIS** means a complete seismic analysis using methodology approved in advance by the Office and meeting the criteria of Article 2, Section 2.7 of these regulations.

**BULK MEDICAL GAS SYSTEM** means an assembly of fixed equipment such as storage containers, pressure regulators, pressure relief devices, vaporizers, manifolds and interconnecting piping that has a capacity of more than 20,000 cubic feet (NTP) of cryogenic medical gas.

**COMMUNICATIONS SYSTEM** means the assembly of equipment such as telephone switchgear, computers, batteries, radios, microwave communications systems, towers and antennas that provide essential internal and external communication links.

**COMPLETE STRUCTURAL DAMAGE** means a significant portion of the structural elements have exceeded their ultimate capacities for some critical structural elements or connections have failed, resulting in dangerous permanent lateral displacement, partial collapse or collapse of the entire building. A Complete Structural Damage would be a loss of 100% of the building's replacement cost.

**CONFORMING BUILDING** means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code* or classified as SPC-4D, as defined in this section.

**CRITICAL CARE AREA** means those special care units, intensive care units, coronary care units, angiography laboratories, cardiac catheterization laboratories, delivery rooms, emergency rooms, operating rooms, postoperative recovery rooms and similar areas in which patients are intended to be subjected to invasive procedures and connected to line-operated, electromedical devices.

**CRITICAL COMMUNITY PROVIDER** means hospitals determined to be critical to community access to healthcare, as determined in Section 1.5.2 Item 8.5.

**DAMAGE CONTROL STRUCTURAL PERFORMANCE CATEGORY** is a performance category that has been demonstrated either by analysis or retrofit to satisfy the requirements of Section 1.4.5.1.3 and the California Existing Building Code (CEBC) Sections 303A.3.4.5, 501A.3.1 and 501A.3.2 or equivalent provisions in later editions of the CEBC. Buildings satisfying this structural performance standard shall be deemed to satisfy the requirements of the Structural Performance Category SPC-4D.

**EMERGENCY POWER SUPPLY (EPS)** means the source of electric power including all related electrical and mechanical components of the proper size or capacity, or both, required for the generation of the required electrical power at the EPS output terminals. For rotary energy converters, components of an EPS include the prime mover, cooling system, generator, excitation system, starting system, control system, fuel system and lube system (if required).

**ESSENTIAL ELECTRICAL SYSTEMS** means a system as defined in the *California Electrical Code*, Article 517 "Health Care Facilities," Chapter 5, Part 3 of Title 24.

**FIRE ALARM SYSTEM** means a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal initiating devices and to initiate appropriate response to those signals.

**FUNCTIONAL CONTIGUOUS GROUPING** means a group of hospital buildings, each of which contains the primary source of one or more basic service that are operationally interconnected in a manner acceptable to the Department of Health Services.

**GENERAL ACUTE CARE HOSPITAL** as used in Chapter 6, Part 1 means a hospital building as defined in Section 129725 of the Health and Safety Code and that is also licensed pursuant to subdivision (a) of Section 1250 of the Health and Safety Code, but does not include these buildings if the beds licensed pursuant to subdivision (a) of Section 1250 of the Health and Safety Code, as of January 1, 1995, comprise 10 percent or less of the total licensed beds of the total physical plant, and does not include facilities owned or operated, or both, by the Department of Corrections. It also precludes hospital buildings that may be licensed under the above mentioned code sections, but provide skilled nursing or acute psychiatric services only.

**HOSPITAL EQUIPMENT** means equipment permanently attached to the building utility services such as surgical, morgue, and recovery room fixtures, radiology equipment, medical gas containers, food service fixtures, essential laboratory equipment, TV supports, etc.

**HYBRID STRUCTURE** means a structure consisting of an original and one or more additions, constructed at different times, and with lateral-force-resisting systems of different types, or constructed with differing materials or a different

design approach. The original building and additions are interconnected and not seismically isolated.

**INTEGRATED REVIEW** as applied in this chapter is the process by which the Office may engage early in the project design through the development and submission of documents during the design phases of conceptualization, criteria design, detailed design, implementation documents, office review, and final plan approval of a seismic retrofit project.

**NONCONFORMING BUILDING** means any building that is not a conforming building.

**NONSTRUCTURAL PERFORMANCE CATEGORY (NPC)** means a measure of the probable seismic performance of building contents and nonstructural systems critical to providing basic services to inpatients and the public following an earthquake, as defined in Article 11, Table 11.1 of these regulations.

**NONSTRUCTURAL PERFORMANCE CATEGORY NPC-4D** is a performance category assigned to existing hospital buildings not designed and constructed under a building permit issued by OSHPD that have been evaluated and or retrofitted to satisfy the requirements of NPC 4D for one of the Levels defined in Article 11, Table 11.1 Nonstructural Performance Categories. Level 1 being the minimum level of seismic compliance and Level 3 being the highest level of compliance required for continued operation beyond 2030.

**PATIENT ORIGIN REGION** is a geographic area bounded by the same U.S. Postal Service five-digit Zip Code. For the purposes of determining the hospital service area the patient origin region may be referred to as “region.”

**PRIMARY SOURCE** means that building or portion of a building identified by the hospital as housing the main or principal source of a basic hospital service, serving the greatest number of patients, providing the greatest number of patient beds, or having the largest/greatest floor space of the specified basic service. The hospital may submit data to substantiate the primary source through alternative criteria if different than above.

**PRINCIPAL HORIZONTAL DIRECTIONS** means the two predominant orthogonal translational modes of vibration with the lowest frequency.

**PROBABILITY OF COLLAPSE** means the fraction of building that is expected to collapse given that the ground motions defined in Section 1.4.5.1.2.1.4 occur at the building site.

**REBUILD PLAN** means a plan to meet seismic standards primarily by constructing a new conforming SPC-5 building for use in lieu of an SPC-1 building.

**REGION** see definition for “patient origin region.”

**REMOVAL PLAN** means a plan to meet seismic standards primarily by removing acute care services or beds from the hospital’s license.

**REPLACEMENT PLAN** means a plan to meet seismic standards primarily by relocating acute care services or beds from nonconforming buildings into a conforming building.

**RETROFIT PLAN** means a plan to meet seismic standards primarily by modifying the building in a manner that brings the building up to SPC-2, SPC-4D, or SPC-5 standards.

**SIGNIFICANT STRUCTURAL DEFICIENCY** means an attribute of the structure considered to be significant with respect to Probability of Collapse.

**SLENDER SEISMIC RESISTING SYSTEM** means any vertical system for resisting lateral forces, such as walls, braced frames or moment frames, with a height to width ratio greater than four for the minimum horizontal dimension at any height.

**SMALL AND RURAL HOSPITAL RELIEF PROGRAM** is established under the administration of the Office of Health Facility Loan Insurance (OHFLI) within the Department of Health Care Access and Information (HCAI) for the purpose of funding seismic safety compliance with respect to small hospitals, rural hospitals, and critical access hospitals in the state.

**STATE GRANT PROGRAM** means a program established by the state to provide grant funding for seismic improvement projects for buildings used to provide general acute care services.

**STRUCTURAL PERFORMANCE CATEGORY (SPC)** means a measure of the probable seismic performance of building structural systems and risk to life posed by a building subject to an earthquake, as defined in Article 2, Table 2.5.3 of these regulations.

**STRUCTURAL PERFORMANCE CATEGORY SPC-4D** is a performance category assigned to previously nonconforming hospital buildings that have been demonstrated either by analysis or retrofit to be equivalent to the minimum prescriptive requirements of the 1979 Uniform Building Code (UBC 1979) including the California amendments, hereafter called the 1980 CBC, in accordance with Section 1.4.5.1.3 and the California Existing Building Code Sections 303A.3.4.5, 501A.3.1 and 501A.3.2.

**1.3 Seismic evaluation.** All general acute care hospital owners shall perform a seismic evaluation on each hospital building in accordance with the Seismic Evaluation Procedures as specified in Articles 2 through 11 of these regulations. By January 1, 2001, hospital owners shall submit the results of the seismic evaluation to the Office for review and approval. By completing this seismic evaluation, a hospital facility can determine its respective seismic performance categories for both the Structural Performance Category (SPC) and the Nonstructural Performance Category (NPC) in accordance with Articles 2 and 11 of these regulations.

**Exception:** *The Structural Performance Category of SPC-4D shall be established in accordance with Section 1.4.5.1.3 and the California Existing Building Code (CEBC) Sections 303A.3.4.5, 501A.3.1 and 501A.3.2 or equivalent provisions in later editions of the CEBC.*

**1.3.1 Seismic evaluation submittal.** Hospital owners shall submit the seismic evaluation report to the Office by January 1, 2001. There are no provisions for submittal of the evaluation report after this date, except as provided in Section 1.4.5.1.2. The hospital owners shall submit the evaluation report in accordance with Section 7-113, “Application for Plan Report or Seismic Compliance Extension Review” and Section 7-133, “Fees” of Article 3, Chapter 7, Part 1, Title 24.

**Exceptions:**

1. Any hospital facility owner whose building is exempted from the structural evaluation in accordance with Section 2.0.1.2 shall not be required to submit a structural evaluation report as specified in Section 1.3.3. In lieu of the structural evaluation report, hospital owners shall submit the matrix of construction information for the specified build-

**1.4.4.4 Compliance plan schedule.** Provide a bar graph schedule which describes the schedule for compliance with the SPC and NPC seismic performance categories, indicating the schedule of the following major phases of the plan:

1. Obtain a geotechnical report (if necessary);
2. Architecture and engineering design/construction document preparation;
3. Local approvals;
4. Office review, approval and permitting;

BUILDING NAME/ DESIGNATION	BUILDING TYPE (per Section 2.2.3)	SPC existing	SPC planned	NPC existing	NPC planned

5. Approval of Department of Health Services Licensing and Certification, and any other required licensing;
6. Permanent relocation of acute care services to other buildings or facilities (identify services affected);
7. Temporary/interim relocation of acute care services to other buildings including the duration of the approved program flexibility plan pursuant to Health and Safety Code Section 1276.05;
8. Construction period; and
9. Beneficial occupancy.

**1.4.4.5 Existing and planned buildings matrix.** Provide the following matrix of construction information for each building of the facility under the acute care license, include the Structural Performance Category (SPC) and Nonstructural Performance Category (NPC) for all hospital buildings (see Tables 2.5.3 and 11.1). Identify each building addition separately.

**1.4.5 Compliance plan update/change notification.** A change to an approved Compliance Plan shall be submitted by a hospital owner when the method or schedule to achieve compliance changes. A revised Compliance Plan shall contain the following information at a minimum:

1. Facility name, address and five-digit facility identification number;
2. List of all hospital buildings in use by the facility for general acute care that are not in full compliance with Section 130065 of the Health and Safety Code, with an inventory of services in each affected building;
3. Proposed Method of Compliance for each building:
  - a. Retrofit – modify the building in a manner that qualifies for a performance rating of SPC-4D or SPC-5 and NPC-5;
 

If retrofit is the proposed method of compliance, describe the method of improvement for each affected building's structural (SPC) and non-structural (NPC) performance rating.
  - b. Replace – relocation of general acute care services to an existing conforming building;
  - c. Rebuild – relocation of general acute care services to a new SPC-5/NPC-5 building.

4. Compliance program schedule. Schedule provides anticipated dates for submission of the following activities:

- a. Pre-design scopes of work including geotechnical studies, materials testing sampling and reports and retrofit concept review.
- b. Design-phase activity, to include timing for plan submission and approval.
- c. Construction-phase activity, to include permit date, construction commencement and completion.

5. List of approved OSHPD project numbers and titles related to the seismic compliance improvement plan for each building, including building evaluations, materials testing project and test reports, and compliance construction projects.

**1.4.5.1 Change in seismic performance category.** The SPC or NPC for a hospital building may be changed by the Office from the initial determination in Section 1.3.3 or 1.3.4, provided the building has been modified to comply with the requirements of the *California Existing Building Code* (Part 10 of Title 24) for the specified SPC or NPC. *The SPC of a hospital building shall also be permitted to be changed on the basis of the following:*

1. Collapse probability assessments in accordance with Section 1.4.5.1.2; or
2. Analysis or retrofit in accordance with Section 1.4.5.1.3.

**1.4.5.1.1** The SPC or NPC for a hospital building may be in accordance with by the Office from the initial determination made per Sections 2.0.1.2.3 or 11.0.1.2.1 upon the following:

1. A Seismic Evaluation Report shall be submitted and approved which shall include either or both of the following:
  - 1.1. A structural evaluation report in accordance with Section 1.3.3;
  - 1.2. A nonstructural evaluation report in accordance with Section 1.3.4.

**Exception:** To change an NPC 1 hospital building to an NPC 2 under this section, the nonstructural evaluation may be limited in scope to the systems and equipment specified in Section 11.2.1.

2. The building has been modified to comply with the requirements of the *California Existing Building Code* (Part 10 of Title 24) for the specified SPC or NPC.

**1.4.5.1.2** Hospital buildings with an SPC 1 rating, may be reclassified to SPC 2 by the Office, pursuant to Table 2.5.3, on the basis of a collapse probability assessment in accordance with Section 1.4.5.1.2 Item 1 provided the hospital buildings received an extension to the January 1, 2008, compliance deadline in accordance with Section 1.5.2.

**Exception:** Hospital buildings with the potential for surface fault rupture and surface displacement at the building site (Section 9.3.3) *are not eligible for reclassification.*

1. Hospital buildings with SPC 1 rating may be reclassified as follows:
  - a) The Office shall issue a written notice to the hospital owners informing them that they may be eli-

gible for reclassification of their SPC 1 buildings as permitted by this section.

- b) For an SPC-1 building to be considered for reclassification to the SPC-2 rating, the hospital owner shall request a collapse probability assessment. The request shall include at a minimum the information and documents specified in Section 1.8.

**1.4.5.1.2.1** Upon assessment of the collapse probability of the SPC-1 building, the Office shall notify the hospital owner in writing the final SPC rating of the subject building.

Every building with collapse probability more than 0.75 percent, but less than or equal to 1.20 percent, shall be altered, repaired or seismically retrofitted to mitigate any deficiencies identified in accordance with Article 10 Sections 10.1.1.1, 10.1.2.2, 10.1.6 and 10.1.7 of this chapter (as part of the complete seismic evaluation in accordance with Section 1.3.3) by January 1, 2015. Hospitals not meeting the deadline set by this section shall not be issued a building permit for any noncompliant building except those required for seismic compliance in accordance with the *California Administrative Code* (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

**1.4.5.1.2.2** When the collapse probability assessment by the Office results in the building remaining in SPC 1, further evaluation may be provided by the hospital owner in accordance with Section 2.7 in order to substantiate a higher SPC rating.

**1.4.5.1.3** *Nonconforming hospital buildings shall be permitted to be reclassified to SPC-4D, pursuant to Table 2.5.3, in accordance with the CEBC Sections 303A.3.4.5, 501A.3.1 and 501A.3.2 or equivalent provisions in later editions of the CEBC.*

**Exceptions:** *Hospital buildings with the following deficiencies are not eligible for reclassification to SPC-4D:*

1. *Hospital buildings with the potential for surface fault rupture and surface displacement at the building site (Section 9.3.3).*
2. *Unreinforced Masonry shear wall buildings (Section 5.4), and*
3. *Precast Concrete buildings (Sections 4.4, 5.2 & 7.4).*

**1.4.5.1.4** Except as provided in Section 1.4.5.1.5, a nonconforming hospital building that does not meet the structural and nonstructural requirements of Table 2.5.3 and Table 11-1 shall not provide acute care services or beds after the compliance deadlines set forth in Section 1.5.1. After these deadlines, the following shall apply.

1. A nonconforming hospital building used as a hospital outpatient clinical services building shall not be classified as a hospital building. It shall comply with the provisions of Health and Safety Code Section 129725. It shall not be subject to the requirements of Title 24, Part 1, Chapter 6.
2. A nonconforming hospital building used as an acute psychiatric hospital or multistory skilled nursing facility or intermediate care facility shall be classified as a hospital building. However, it shall not be subject to the requirements of Title 24, Part 1, Chapter 6.
3. A nonconforming hospital building used as a single-story wood frame or light steel frame skilled nursing

facility or intermediate care facility shall not be classified as a hospital building, and shall not be subject to the requirements of Title 24, Part 1, Chapter 6.

4. A nonconforming hospital building used for purposes other than those listed above shall not be classified as a hospital building; shall not be licensed pursuant to Health and Safety Code Section 1250(a); shall not be subject to the requirements of Title 24, Part 1, Chapter 6; and shall not be under the jurisdiction of the Office.

**1.4.5.1.5** A hospital building from which acute care services and beds have been removed *or a nonconforming hospital building without SPC or NPC rating* shall not provide *general acute care* services unless it has been modified to comply with the requirements of *SPC-4D* or SPC 5 and NPC 4, NPC 4D or NPC 5. Prior to use for acute care service, the SPC and/or NPC of the hospital building shall be changed in accordance with Section 1.4.5.1.1 *or 1.4.5.1.3*.

**1.5 Compliance requirements.** All general acute care hospital owners shall comply with the seismic performance categories, both SPCs and NPCs, established in the seismic evaluation procedures, Articles 2 and 11 and set forth in Tables 2.5.3 and 11.1, respectively.

#### **1.5.1 Compliance deadlines.**

1. Before January 1, 2020, the owner of an acute care inpatient hospital where buildings are rated SPC 1 or SPC 2; or where the NPC rating is less than 5, shall submit to the Office an attestation that the board of directors of that hospital is aware that the hospital building is required to meet the January 1, 2030, deadline for substantial compliance with those regulations and standards.
2. After January 1, 2020, any general acute care hospital building which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 2, as defined in Article 11, Table 11.1 or shall no longer be granted a building permit for construction work in such building except those required for seismic compliance in accordance with the *California Administrative Code* (Chapter 6), maintenance, and emergency repairs.
3. After January 1, 2030, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 3, 4, 4D or 5, as defined in Article 2, Table 2.5.3 and the nonstructural requirements of NPC 5, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

#### **1.5.2 Delay in compliance.**

1. **Requirements for NPC.** For any general acute care hospital located in Seismic Design Category D, as defined by Section 1613A of the 2013 *California Building Code*:
  - 1.1. By January 1, 2024, the hospital owner shall submit to the Office a complete nonstructural evaluation up to NPC 4 or 4D and NPC 5, for each building.
  - 1.2. By January 1, 2026, the hospital owner shall submit to the Office construction documents for NPC 4 or 4D and NPC 5 compliance that are deemed ready for review by the Office, for each

building that will continue to provide acute care services beyond January 1, 2030.

- 1.3. By January 1, 2028, the hospital owner shall obtain a building permit to begin construction, for NPC 4 or 4D and NPC 5 compliance of each building that the owner intends to use as a general acute care hospital building after January 1, 2030. Hospitals not meeting the January 1, 2028 deadline set by this section shall not be issued a building permit for any noncompliant building except those required for seismic compliance in accordance with the California Administrative Code (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

**Exception:** If the hospital has obtained an extension for SPC compliance, the NPC compliance deadlines shall coincide with the approved SPC extension deadlines and the requirements of Sections 1.5.2 shall be deemed to be satisfied.

- 1.4. After January 1, 2028, buildings with an NPC rating less than 4, all remodels/renovations, or other construction work, shall include anchorage and/or bracing of all equipment and services within the boundary of the scope of work that is not in compliance with NPC 4.

**Exception 1:** Remodels/renovations, or other construction work, that remove a room or space from service use or occupancy for less than 24 hours.

**Exception 2:** Where 20 percent or less of the affected existing construction, such as ceilings, walls, and ducts, but independent of finishes, is removed to access equipment and services for anchorage/bracing may be reinstalled as it pre-existed prior to the NPC work, as long as it was in compliance with the code at the time it was installed/constructed.

**Exception 3:** Buildings that have been removed from general acute care service, or have projects to remove the building from acute care services by 2030.

- 1.5. Any general acute care hospital building (located in Seismic Design Category D or F) granted an extension up to January 1, 2020 or beyond is deemed to comply with the terms of the extension if all of the following conditions are met:

- 1.5.1. The hospital meets the anchorage and bracing requirements for NPC 2.

- 1.5.2. The building is upgraded to NPC 3 in accordance with the compliance timeframes specified in Table 11.1.

**Exception:** The building is SPC-2, the method of compliance is to remove the building from general acute care service by 2030, and no SPC-4D projects have been submitted to the Office.

## 2. Requirements for SPC.

1. Extension until January 1, 2020. Any SPC-1 general acute care hospital building that has received an extension to the January 1, 2008, deadline for both the structural and nonstructural requirements may receive an additional extension of up to seven years to the January 1, 2013, deadline for both the structural and nonstructural requirements.

- 1.1. For an SPC-1 building to be eligible for this extension, all of the following conditions must be met:

- (a) The hospital owner requesting an extension for an SPC-1 building in accordance with this section, must submit to the Office no later than March 31, 2012, the following:

- (i) An application for extension accompanied by a letter of intent stating whether the hospital intends to rebuild, replace or retrofit the building, or remove all general acute care beds and services from the building.

- (ii) A facility site plan identifying the SPC-1 hospital building for which the extension is being requested by name and OSHPD assigned building number.

- (iii) A chart or a bar graph schedule which describes the necessary amount of time and schedule to complete the construction for the subject building in order to achieve the targeted building resolution stipulated in the letter of intent pursuant to Section 1.5.2 Item 2.1.1(a)(i). The chart shall indicate all major milestones required for the implementation of the construction plan.

- (iv) A narrative description and supporting documentation demonstrating how the hospital intends to meet the requested deadline and why the requested extension is necessary.

- (v) When applicable, a narrative description and supporting documentation demonstrating community access to essential hospital services as specified in Section 1.5.2 Item 2.1.5.

- (vi) When applicable, a narrative description and supporting documentation demonstrating the hospital owner's financial hardship to meet the milestones specified in Section 1.5.2 Items 2.1.6.

- (vii) Information on the type of use/ occupancy of the SPC-1 building by listing the type of services currently delivered in the building.

- (b) The hospital owner submits to the Office, no later than September 30, 2012, an application and required documents ready for

review seeking collapse probability assessment for its SPC-1 building in accordance with Section 1.8.2.

- (c) The hospital owner submits to the Office, no later than January 1, 2015, construction documents ready for review consistent with the letter of intent and the schedule submitted pursuant to Section 1.5.2 Items 2.1.1(a)(i) and (iii). The construction documents shall be accompanied by a financial capacity report. The financial capacity report shall demonstrate the hospital owner's financial capacity to implement the construction plans submitted pursuant to this subsection.
  - (d) The hospital owner receives a building permit consistent with the letter of intent and the schedule submitted pursuant to Section 1.5.2 Items 2.1.1(a)(i) and (iii) no later than July 1, 2018.
- 1.2. A hospital may demonstrate that it has complied with the requirements of their compliance schedule if they received confirmation of compliance from the Office by the end of their extension date.
- 1.3. Extensions to the January 1, 2013 compliance deadline.
- 1.3.1. The maximum permitted extension for a hospital building is the greater extension time allowed based on consideration of the structural integrity of the building as determined by the Risk-Based Extension in Section 1.5.2. Item 8.4, the access to essential hospital services as determined in Section 1.5.2 Item 8.5 and the Financial Hardship as determined by Section 1.5.2 Item 8.6. In no event shall the maximum permitted extension exceed seven years or the amount of time reasonably required to complete the construction described in Section 1.5.2 Item 2.1.1(a), whichever is less.
  - 1.3.2. Upon acceptance of the application for extension and all submittal documentation required in Section 1.5.2 Item 8.1(a) an SPC-1 building may be granted an Administrative Extension by the Office.
- 1.4. Risk-Based Extension. The risk-based extension is based on the seismic risk coefficient.

- (a) The seismic risk coefficient posed by a building,  $P$ , shall be determined by:

$$P = H \times E$$

Where:

$H$  = the value of the collapse probability in percent, as determined by the requirements of Section 1.8; and,

$E$  = the Exposure Factor, based on the presence of Basic and Supplemental Services, as defined in Part 2, Title 24, Section 1224.3.

The Exposure Factor  $E$  shall be taken as:

$E = 0.5$  where the building houses only storage spaces, central sterile supply spaces, and/or utility plant spaces.

$E = 0.7$  where the building houses only clinical laboratory, pharmaceutical, dietetic and/or support services spaces, or nonpatient care building which is contiguous to and provides egress or structural support to an acute care hospital building(s).

$E = 1.0$  where the building houses any other Basic and/or Supplementary Service spaces.

Where a building contains more than one Basic and/or Supplementary Service space, the largest value of  $E$  shall apply.

- (b) The Risk-Based Extension is determined by the seismic risk coefficient,  $P$ :
  - i. Where  $P \leq 3.0\%$ , the Risk-Based Extension for the building shall not exceed seven years.
  - ii. Where  $P > 3.0\%$  but  $P \leq 5.0\%$ , the Risk-Based Extension for the building shall not exceed five years.
  - iii. Where  $P > 5.0\%$ , the Risk-Based Extension for the building shall not exceed two years.
  - iv. Regardless of the seismic coefficient,  $P$ , the Risk-Based Extension for any building straddling an Active Fault shall not exceed two years.

- 1.5. Community access to essential hospital services. The potential effect of closure of the hospital building on community access to essential hospital services shall be evaluated. A building at a hospital defined as a Critical Community Provider in accordance with this Section is eligible for a Maximum Permitted Extension of up to seven years. The hospital may be classified as a Critical Community Provider if it meets the requirements of Section 1.5.2 Items 2.1.5(a), 2.1.5(b), 2.1.5(c), 2.1.5(d) or 2.1.5(e):

- (a) The hospital meets the requirements of (i) or (ii) below:
  - i. Certified as a Sole Community Hospital, Critical Access Hospital, or Rural Referral Center by the Department of Health and Human Service Centers for Medicare & Medicaid Services.
  - ii. Disproportionate Share Hospital. For purposes of this section a hospital is deemed to be a disproportionate share hospital if it meets the eligibility requirements of the Welfare and Institutions Code, Section 14105.98 for at least two years during the five most current years prior to application for an extension.

- (b) The hospital provides care for uninsured/underinsured populations. To qualify, the hospital must meet or exceed all of the following minimum thresholds:
  - i. 10 percent Medicaid Discharges.
  - ii. 10 percent Medicaid Emergency Department visits.
  - iii. 10 percent Uninsured Emergency Department visits.
  - iv. Inpatient Occupancy rate of the hospital general acute licensed beds greater than 50 percent.
- (c) The hospital is a critical service provider of any of the following specialized medical care within its service area as defined in Section 1.5.2 Item 2.1.5(f):
  - i. Trauma Center as defined by CCR – Title 22, Division 9, Section 100248.
  - ii. Children’s Hospital as defined by the Welfare and Institutions Code, Section 10727.
  - iii. Burn Unit as defined by CCR – Title 22, Division 5, Section 70421.
  - iv. Emergency department provides 10 percent or more of the total Emergency Treatment Stations.
  - v. A hospital in which its service area has an average number of patient beds/1000 population below 1.5.
- (d) The hospital provides more than 20 percent of the licensed acute care beds in the hospitals’ service area as defined in Section 1.5.2 Item 2.1.5(f).
- (e) A tertiary or specialty hospital dedicated to specific sub-specialty care with volumes in excess of 50 percent of total annual discharges within the county in which the hospital is located.
- (f) Hospital Service Area. The total geographic area comprised by the sum of all patient origin regions that significantly contribute to the inpatient population of the subject hospital. For the purposes of determining the hospital service area, conditions (i) and (ii) listed below shall be satisfied:
  - (i) The number of regions considered shall include all the regions with a relative hospital ratio of inpatient discharges per region greater than 5 percent of the total hospital inpatient discharges. “Relative hospital ratio of inpatient discharges per region” means the number of hospital patients discharged in a region by the subject hospital in relation to the total hospital patients discharged for the same region by all hospitals.

- (ii) The number of regions considered shall include all the regions with a hospital ratio of inpatient discharges per region that cumulatively account for at least 70 percent of the total hospital patient discharges. “Hospital ratio of inpatient discharges per region” means the number of hospital patients discharged in a region by the subject hospital in relation to the total patients discharged by the subject hospital.

The data utilized to determine community access to essential hospital services shall be based on the hospital’s most current fiscal reporting information filed with the Office or on the hospital’s fiscal reporting information filed with the Office for any of the most current three years.

1.6. Financial Hardship. Evaluation of financial hardship shall be determined on a hospital-by-hospital basis. A building at a hospital that meets the financial hardship criteria of this section is eligible for a Maximum Permitted Extension of up to seven years. A hospital may be determined to have financial hardship if it meets at least one of the following requirements:

- (a) Financial performance. The hospital meets all of the following thresholds:
  - i. Negative operating margin for the hospital for at least two years during the five years prior to application for an extension.
  - ii. Days Cash-on-Hand less than 60.
  - iii. Current Ratio less than 1.5
- (b) The hospital has a bond rating based on the following table:

**TABLE 1.5.2.8.6  
BOND RATING GRADES**

CREDIT RISK	MOODY’S	STANDARD AND POOR’S	FITCH RATINGS
Medium	Baa	BBB	BBB
Lower Medium	Ba	BB	BB
Lower Grade	B	B	B
Poor Grade	Caa	CCC	CCC
Speculative	Ca	CC	CC
No Payments/Bankruptcy	C	D	D
In Default	C	D	D

- (c) For public hospitals, voters rejected the most recent bond issue specifically related to seismic compliance construction work at the facility.

The data utilized to determine financial hardship shall be based on the hospital owner’s most current fiscal reporting information filed with the Office or on the hospital owner’s fiscal reporting information filled with the Office for any of the most current three years unless noted otherwise in subsection (a) above.

1.7. Extension Adjustments. A hospital may request an extension adjustment necessary to complete the construction for the building granted an extension pursuant to Section 1.5.2 Item 2. In order for this request to be considered, the hospital owner shall notify the Office in writing as soon as practicable, but in no event later than six months after the hospital owner discovered the change of circumstances. The request shall include at a minimum all of the following:

- (a) The length/duration of the additional extension time adjustment, but in no event the total extension including the adjustment shall exceed the period specified in Section 1.5.2 Item 2.
- (b) The name and OSHPD assigned number for the hospital building requiring the extension adjustment.
- (c) A narrative description and data supporting the discovered change of circumstances in completing the construction for the building granted an extension pursuant to Section 1.5.2 Item 2.
- (d) An amended bar graph schedule required by Section 1.5.2 Item 2.1.1(a)(iii).

1.8. Extension Revocation/Termination. An extension for any hospital building granted pursuant to Section 1.5.2 Item 2 may be revoked or terminated based on the following:

- (a) The Office determines that any information submitted pursuant to this section was falsified; or
- (b) The hospital failed to meet a milestone set forth in Sections 1.5.2 Item 2.1.1(a)(iii); or
- (c) Where the work of construction is abandoned or suspended for a period of at least six months, unless the hospital demonstrates in a publicly available document that the abandonment or suspension was caused by factors beyond its control.

2. Additional extension beyond January 1, 2020.

2.1. The Office may grant the hospital owner an additional extension to the January 1, 2020 seismic compliance deadline for each SPC 1 building where all the following conditions are met:

- (a) An extension was previously granted pursuant to California Health and Safety Code, Section 130060(g) or Section 130061.5(b).
- (b) A prior compliance plan corresponding to a replacement, retrofit or rebuild project was submitted to the Office by January 1, 2018.
- (c) The application for an extension is submitted by the owner on a form provided by the Office, and received by the Office no later than April 1, 2019.
- (d) The application, one per building, shall identify the seismic compliance method chosen based on a replacement, retrofit or rebuild

plan as defined in definitions Section 1.2 of this chapter, for addressing the acute care functions in the SPC-1 building.

- (e) Documentation of facts necessary in determining the maximum length of the extension that may be granted in accordance with subsection 2.1.1 shall be submitted with the application.

2.1.1. Maximum length of Extension. The Office shall not grant an extension that exceeds the amount of time needed by the owner to come into compliance. The length of the extension to be granted shall be based upon a showing by the owner of the facts necessitating the additional time. It shall include a review of the plan and all the documentation submitted in the application for the extension, and shall permit only that additional time necessary to allow the owner to deal with compliance plan issues that cannot be fully met without the extension.

2.1.2. Extension for Replacement or Retrofit Plan where Construction has not Started. For an extension request based on a replacement plan or retrofit plan, final seismic compliance shall be achieved, a certificate of occupancy or construction final shall be obtained by July 1, 2022 and the following conditions shall apply:

1. Application submitted shall contain an extension schedule that identifies:

- a. The maximum extension time requested, but no later than July 1, 2022.
- b. Date when building permit will be obtained.
- c. Date the hospital will begin construction.

2. A construction schedule shall be submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.

3. Obtain a building permit.

4. Start construction.

Compliance with the requirements in (1 through 4) above shall be achieved no later than April 1, 2020.

2.1.3. Extension for Rebuild Plan where Construction has not Started. For an extension



sion requested based on a rebuild plan, final seismic compliance shall be achieved, a certificate of occupancy shall be obtained by January 1, 2025 and the following shall apply:

1. Application submitted, shall contain an extension schedule that identifies:
  - a. The maximum time request for the extension, but no later than January 1, 2025.
  - b. Date of submission of the rebuild project deemed ready for review to the Office, but no later than July 1, 2020
  - c. Date when building permit will be obtained.
  - d. Date the hospital will begin construction.
2. Submission of the rebuild project deemed ready for review to the Office shall occur no later than July 1, 2020.
3. A construction schedule submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
4. Obtain a building permit.
5. Start construction.

Compliance with the requirements in 3) through 5) above shall be achieved no later than January 1, 2022.

- 2.1.4. Extension where Construction has Started. For a hospital building that has previously submitted to the Office a retrofit, replace or rebuild project for which a retrofit, replace or rebuild project was previously submitted to the Office and is under construction, the application for an extension shall contain all the following:

1. The method of compliance with the requested extension which shall be no later than July 1, 2022 for retrofit or replace plan and January 1, 2025 for rebuild plan. The application shall include the facts necessitating the additional time.
2. The project number under which the construction has commenced and is continuing.

3. A revised construction schedule to reflect the extension being requested and at least two major milestones shall be identified. Major milestones shall be chosen such that they are easily verifiable by the Office.

- 2.2. Quarterly Status Reports. A hospital granted an extension pursuant to this section shall provide a quarterly status report in a form required by the Office, consistent with their extension/construction schedule. The first report is due on July 1, 2019, and subsequent status reports shall be due every October 1, January 1, April 1, and July 1 until seismic compliance is achieved. Each quarterly report shall contain the cumulative progress made towards meeting the dates in the extension and the construction schedules, current to 15 calendar days before the report is due. The report may be submitted to the Office no more than 15 calendar days before the due date.
- 2.3. Fines for Failure to Comply. Failure to comply with the dates for plan submission, construction schedule submission, obtain a building permit, to begin construction identified and accepted by the Office in the extension schedule or the major milestone dates identified and accepted by the Office in the construction schedule shall result in the assessment of a fine of five thousand dollars (\$5,000) per calendar day until the requirements or milestones, respectively, are met. The Office shall not issue a construction final or certificate of occupancy for the building until all assessed penalties accrued pursuant to this section have been paid in full or, if an appeal is pending, have been posted subject to resolution of the appeal.
- 2.4. Adjustments to Schedules. The Office may grant an adjustment as necessary to deal with contractor, labor, material delays, with acts of God, or with governmental entitlements, experienced by the hospital. The hospital shall submit the reason for the delay along with substantiating documents, a revised construction schedule and identify at least two new major milestones consistent with the adjustment. Requests for adjustments shall be made with the Office as soon as the reasons for the delay are known but no less than 30 calendar days before any upcoming affected extension schedule or construction milestone date.

Failure to comply with the revised construction schedule or meet any of the major milestones shall result in penalties as specified in subsection 2.3. The adjustment shall not exceed the corresponding final seismic compliance date of July 1, 2022 for a replacement plan or retrofit plan and January 1, 2025 for a rebuild plan.

**1.6 Dispute resolution/appeals process.** Dispute resolution and appeals shall be in conformance with Article 5, Chapter 7, Part 1 of Title 24.

#### **1.7 Notification from OSHPD.**

1. The Office shall issue written notices of compliance to all hospital owners that have attained the minimum required SPC and NPC performance levels by the

required seismic compliance dates or extension dates granted by the Office;

2. The Office shall issue written notices of violation to all hospital owners that are not in compliance with the minimum SPC and NPC performance levels by the required seismic compliance dates or extension dates granted by the Office; and
3. The Office shall notify the State Department of Health Services of the hospital owners which have received a written notice of violation for failure to comply with these regulations.

**1.8 Collapse probability assessment.** Hospital owners may request a collapse probability assessment to reclassify buildings with an SPC-1 rating to SPC-2 in accordance with Section 1.4.5.1.2, or be used to determine eligibility for an extension in accordance with Section 1.5.2 Item 8.

**1.8.1** The collapse probability assessment by the Office shall be determined using the following:

1. Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH) developed by the Federal Emergency Management Agency (FEMA)/National Institute of Building Sciences (NIBS).
2. Building specific input parameters required by the Advanced Engineering Building Module (AEBM) of the HAZUS methodology shall be obtained from Appendix H to Chapter 6.
3. Modifications by the Office to the AEBM input parameters are hereby adopted as shown in Appendix H to Chapter 6, which are based on the following:
  - a) Building type
  - b) Building height and number of stories
  - c) Building age
  - d) Significant Structural Deficiencies listed in Section 1.8.2 Item 2.
4. Site seismicity parameters adjusted for soil type, as determined by the Office, shall be the lesser of:
  - a) Deterministic ground motion due to the maximum magnitude earthquake event on the controlling fault system.
  - b) Probabilistic ground motion having 10 percent probability of being exceeded in 50 years.

**1.8.2** The collapse probability assessment for SPC-1 buildings shall be based on the following building information, parameters and documents:

1. A complete seismic evaluation of the building pursuant to Section 1.3.3.

**Exception:** Hospital owners who had submitted a complete structural evaluation report in compliance with Section 1.3.3, that is deemed to be complete by the Office, need not resubmit.

2. A supplemental evaluation report prepared by a California registered structural engineer that identifies the existence or absence of the building structural Lateral Force Resisting System (LFRS) properties and Significant Structural Deficiencies listed below:
  - a. Age: Year of the *California Building Code* (CBC) used for the original building design.

**Exception:** For pre-1933 buildings, the design year shall be reported.

- b. Materials Tests: Office approved materials test results based on test plan preapproved by the Office (Section 2.1.2).
- c. Load path (Section 3.1)
- d. Mass irregularity (Section 3.3.4).
- e. Vertical discontinuity (Section 3.3.5).
- f. Adjacent buildings (Section 3.4).
- g. Short captive column (Section 3.6).
- h. Material deterioration (Section 3.7).
- i. Weak columns (Sections 4.2.8 and 4.3.6).
- j. Wall anchorage (Section 8.2).
- k. Redundancy (Section 3.2).
- l. Weak story irregularity (Section 3.3.1).
- m. Soft story irregularity (Section 3.3.2).
- n. Torsional irregularity (Section 3.3.6).
- o. Deflection incompatibility (Section 3.5).
- p. Cripple walls (Section 5.6.4).
- q. Openings (in diaphragm) at shear walls (Section 7.1.4).
- r. Topping slab missing (Sections 7.3 and 7.4) or the building type (structural system) is of lift slab construction.
- s. URM wall height to thickness ratio (Section 5.4.3).
- t. URM Parapets (Section 10.1.6).

This supplemental evaluation report shall include supporting documentation including existing construction drawings or reconstructed as-builts (Section 2.1.2) relating to the existence or absence of the Significant Structural Deficiencies listed above including calculations, where required, for review and acceptance by the Office, unless they are included in the complete structural evaluation.

3. Building systems shall be classified as to their Model Building Type in accordance with Table 1.8. For buildings with multiple building types, all types shall be listed. The building type resulting in the maximum collapse probability will be utilized by the Office to determine eligibility for reclassification.
4. Building height and number of stories above and below the seismic base shall be specified.
5. For SPC-1 buildings where the potential for surface fault rupture and surface displacement at the building site is present as determined by Section 9.3, a supplemental geologic hazards report prepared by a California registered engineering geologist/seismologist is required to address the following:
  - a. A site plan showing diagrammatically the location of the building footprint, the surface trace or traces of potential surface fault rupture.
  - b. The expected surface displacement during a rupture event.

TABLE 1.8—MODEL BUILDING TYPE

MODEL BUILDING TYPE (MBT)	DESCRIPTION
W1	Wood, Light Frame ( $\leq 5,000$ sq ft)
W2	Wood, greater than 5,000 sq ft
S1	Steel Moment Frame
S2	Steel Braced Frame
S3	Steel Light Frame
S4	Steel Frame with Cast-In Place Concrete Shear Walls
S5	Steel Frame with Unreinforced Masonry Infill Walls
C1	Concrete Moment Frame
C2	Concrete Shear Walls
C3	Concrete Frame with Unreinforced Masonry Infill Walls
PC1	Precast Concrete Tilt-Up Walls
PC2	Precast Concrete Frames with Concrete Shear Walls
RM1	Reinforced-Masonry Bearing Walls with Flexible Diaphragms
RM2	Reinforced-Masonry Bearing Walls with Rigid Diaphragms
URM	Unreinforced-Masonry Bearing Walls
MH	Manufactured Housing

**1.9 State grant programs.** The State of California may from time to time establish programs that provide grant funding for general acute care hospitals to advance seismic safety. Standards of eligibility to participate in a state grant program are established in its enabling statute.

**1.9.1 The Small and Rural Hospital Relief Program** is established in statute for the purpose of providing funding for improvement of a building's seismic performance rating. The program is administered by the Office of Health Facility Loan Insurance (OHFLI) of HCAI, who is responsible for issuing grants to facilities for seismic improvement projects approved by the Office. A grant provided by OHFLI under this program may be used only for funding seismic safety compliance. OHFLI determines eligibility of a hospital to participate in program on the following criteria:

- A small hospital.
- A rural hospital.
- A critical access hospital.

The eligible hospitals shall meet both of the following criteria:

- Compliance imposes a financial burden on the applicant that may result in hospital closure.
- The hospital closure would substantially impact the accessibility of health care in the communities surrounding the hospital.

#### 1.10 Integrated Review for seismic compliance projects.

- Purpose.** The purpose of integrated review is to provide technical assistance to a hospital's project team in the development of a cost-efficient structural or non-structural seismic retrofit program. A cost-efficient retrofit program is one that achieves a compliant condition for SPC-4D/SPC-5 and NPC-3/NPC-4/NPC-4D and NPC-5 with no more work than is necessary to attain the rating while limiting impact to operations from project delivery.
- Voluntary requests.** The Office, at its sole discretion, may enter into a written agreement with the hospital governing board or authority for an Integrated Review. A hospital may request Integrated Review to aid in the planning and implementation of a seismic retrofit project for a

general acute care hospital building. The fee for Integrated Review shall be on a Time and Materials Basis.

- State grant program participation.** A hospital seeking funds from a state grant program for seismic improvements for a building providing general acute care is required to engage the Office for Integrated Review in development of a seismic improvement project or program. Integrated Review is required for pre-design and design phases of compliance project development for state-funded projects. Fees for Integrated Review are on a Time and Materials Basis unless otherwise funded through the grant program's enabling legislation.

#### 1.11 Public notices.

- On or after January 1, 2023, a hospital building that is classified as SPC-2 shall be labeled with the words, "These buildings do not significantly jeopardize life, but may not be repairable or functional following an earthquake" on the department's internet website and in the following documents. A hospital building that is classified as both SPC-5 and NPC-5 may be labeled "earthquake resilient" on the department's internet website and in the following documents:

##### Documents required to include building labeling:

- On the title sheet of construction drawings and title sheet of specifications. The following documents and/or forms are excluded: Amended Construction Documents (ACD), Calculations, and Testing, Inspection & Observation (TIO).
  - On the title sheet of seismic compliance evaluation reports.
- Before January 1, 2024, the owner of an acute care inpatient hospital shall post a notice in a public space, designated as any lobby or waiting area, for each general acute care building, except for buildings with SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 ratings. A project shall be submitted to the Office for the proposed location and the content of the notice. The notice sign shall be in accordance with the California Building Code, California Code of Regulations, Title 24, Part 2, Volume 1, **Chapter 11B, DIVISION 7, Section 11B-703.5 Visual characters**. For all notice types, the SPC and NPC rating of the building shall be included. The required format of the notice is published on the OSHPD website.

For each general acute care hospital building, the type of notices shown in Table 1.11 are required.

TABLE 1.11—NOTICE REQUIREMENTS OF GENERAL ACUTE CARE (GAC) BUILDINGS

	NPC-1, 2, 3, 4D, 4	NPC-5
SPC-1	Notice Type A	Notice Type A
SPC-2	Notice Type B	Notice Type B
SPC-3	Notice Type C	Notice not required, see optional Notice Type D
SPC-4D	Notice Type C	Notice not required, see optional Notice Type D
SPC-4	Notice Type C	Notice not required, see optional Notice Type D
SPC-5	Notice Type C	Notice not required, see optional Notice Type E

Notice Type A:

"The State of California has determined that this hospital building does not meet seismic safety standards.

This building may jeopardize life and is a danger to the public in an earthquake.”

Notice Type B:

“The State of California has determined that this building does not significantly jeopardize life, but may not be repairable or functional following an earthquake.”

Notice Type C:

“The State of California has determined that the hospital building is at risk of not being functional to provide care to its patients or the community after an earthquake.”

Notice Type D:

“The State of California has determined that the hospital building meets seismic safety standards, but the hos-

pital building may not be functional to provide care to its patients or the community after an earthquake.”

Notice Type E:

“The State of California has determined that the hospital building meets seismic safety standards and designated this building as an Earthquake Resilient Building.”

**1.12 Annual status update reporting.** On or before January 1, 2024, and annually thereafter, the owner of an acute care inpatient hospital that includes a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 shall provide an annual status update on the Structural Performance Category ratings of the buildings and the services provided in each hospital

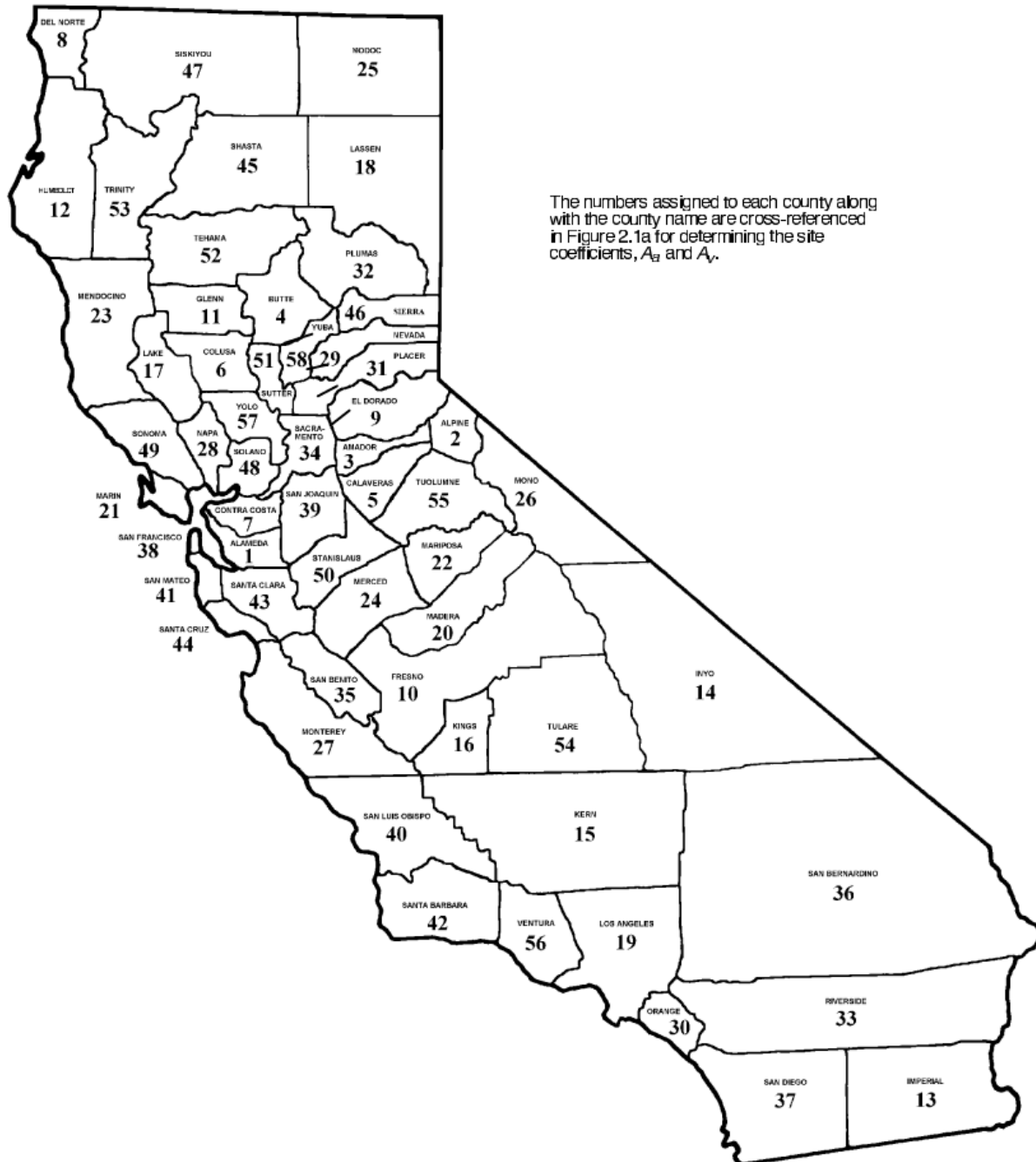


FIGURE 2.1

building on the hospital campus to all of the following entities:

1. The county board of supervisors in whose jurisdiction the hospital building is located.
2. The city council in whose jurisdiction the hospital building is located, if applicable.
3. Any labor union representing workers who work in a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5.
4. The board of directors of the special district or joint powers agency that provides fire and emergency medical services in the jurisdiction in which the hospital building is located, if applicable.
5. The department.
6. The board of directors of the hospital.
7. The local office of emergency services or the equivalent agency.
8. The Office of Emergency Services.
9. The medical health operational area coordinator.

## ARTICLE 2 PROCEDURES FOR STRUCTURAL EVALUATION OF BUILDINGS

### 2.0 General.

#### 2.0.1 Structural evaluation procedure.

1. The structural evaluation process shall include the following steps:
  - 1.1 Site visit and data collection;
  - 1.2 Identification of building type;
  - 1.3 Completion of evaluation statements in appendix;
  - 1.4 Follow-up field work, if required;
  - 1.5 Follow-up analysis for "False" evaluation statements;
  - 1.6 Final evaluation for the building;
  - 1.7 Preparation of the evaluation report; and
  - 1.8 Submittal of evaluation report to OSHPD.
2. A general acute care hospital facility building may be exempted from a structural evaluation upon submittal of a written statement by the hospital owner to OSHPD certifying the following conditions:
  - 2.1 A conforming building as defined in Article 1, Section 1.2, may be placed into SPC 5 in accordance with Table 2.5.3 under the following circumstances:
    - (a) The building was designed and constructed to the 1989 or later edition of Part 2, Title 24, and
    - (b) If any portion of the structure, except for the penthouse, is of steel moment resisting frame construction (Building Type 3, or Building Type 4 or 6 with dual lateral system, as defined in Section 2.2.3) and the building permit was issued after October 25, 1994.
  - 2.2 All other conforming buildings as defined in Article 1, Section 1.2, may be placed into SPC 4

in accordance with Table 2.5.3, except those required by Section 4.2.10 to be placed in SPC 3 in accordance with Table 2.5.3, without the need for any structural evaluation.

- 2.3 Nonconforming buildings as defined in Article 1, Section 1.2 may be placed into SPC 1 in accordance with Table 2.5.3 without any structural evaluation.

### 2.1 Site visit, evaluation and data collection procedures.

#### 2.1.1 Site visit and evaluation.

1. The evaluator shall visit the building to observe and record the type, nature and physical condition of the structure.
2. The evaluator shall review an *Engineering Geological Report* on site geologic and seismic conditions. The report shall be prepared in accordance with Title 24, Section 1634A of 1995 *California Building Code* (CBC) or equivalent provision in later version of the CBC.

#### Exceptions:

1. Reports are not required for one-story, wood-frame and light steel-frame buildings of Type II or Type V construction and 4,000 square feet or less in floor area;
2. A previous report for a specific site may be resubmitted, provided that a reevaluation is made and the report is found by the Office to be currently appropriate.
3. Establish the following *site and soil parameters*:
  - a. The value of the effective peak acceleration coefficient ( $A_a$ ) from Figure 2.1 and 2.1a;
  - b. The value of the effective peak velocity-related acceleration coefficient ( $A_v$ ) from Figure 2.1 and 2.1a;
  - c. The soil profile type ( $S_1$ ,  $S_2$ ,  $S_3$  or  $S_4$ ) derived from the geotechnical report or from Table 2.1;
  - d. The site coefficient, ( $S$ ), from Table 2.1; and
  - e. The ground motion parameters and near field effects in strong ground shaking required for the evaluation of welded steel moment frame structures in accordance with Sections 4.2.0.1, 4.2.0.2 and 4.2.10.
4. Assemble building design data including:
  - a. Construction drawings, specifications and calculations for the original building (Note: when reviewing and making use of existing analyses and structural member checks, the evaluator shall assess and report the basis of the earlier work);
  - b. All drawings, specifications and calculations for remodeling work; and
  - c. Material tests and inspection reports for nonconforming buildings. If the original drawings are available, but material test and inspection reports are not available, perform the testing program as specified in Section 2.1.2.2.

If structural drawings are not available, the site visit and evaluation shall be performed as described in Section 2.1.1.5, and structural data shall be collected using the procedures in Sections 2.1.2.1 and 2.1.2.2.

5. During the site visit, the evaluator shall:
  - a. Verify existing data;
  - b. Develop other needed data (e.g., measure and sketch building as outlined in Section 2.1.2);
  - c. Verify the vertical and lateral systems;
  - d. Check the condition of the building; and
  - e. Identify special conditions, anomalies and oddities.
6. Review other data available such as assessments of building performance following past earthquakes.
7. Prepare a summary of the data using an OSHPD- approved format.
8. Perform the evaluation using the procedures in Sections 2.2 through 2.5.
9. Prepare a report of the findings of the evaluation using an OSHPD-approved format.

**2.1.2 Data collection.** Building information pertinent to a structure's seismic performance, including condition, configuration, detailing, material strengths and foundation type, shall be obtained in accordance with this section, and documented on drawings and/or sketches that shall be included with the structural calculations.

**Exception:** Materials testing is not required for reclassification by the collapse probability assessment option as permitted by Section 1.4.5.1.2, where nonavailability of materials test is identified as a deficiency in accordance with Section 1.8.2.2(b).

**2.1.2.1 Building characteristics.** Characteristics of the building relevant to its seismic performance shall be obtained for use in the building evaluation. This shall include current information on the building's condition, configuration, material strengths, detailing and foundation type. This data shall be obtained from:

1. Review of construction documents;
2. Destructive and nondestructive testing and examination of selected building components; and

3. Field observation of exposed conditions *to verify that field conditions substantially match the construction documents in accordance with data collection requirements in the California Existing Building Code Section 303A.3.5.3, or equivalent provisions in later editions of the CEBC.*

The characteristics of the building shall be established, including identification of the gravity- and lateral-load-carrying systems. The effective lateral-load carrying system may include structural and nonstructural elements that will participate in providing lateral resistance, although these elements may not have intended to provide lateral resistance. The load path shall be identified, taking into account the effects of any modifications, alterations or additions.

*The owner or the owner's authorized agent shall submit the following to the office for review and approval:*

1. *Complete set of construction documents.*
2. *Field test report(s) in accordance with Section 2.1.2.2.*
3. *Field observation report, which shall verify that field conditions substantially match the construction documents.*

**2.1.2.1.1 Nonconforming buildings without construction documents.** Where the available construction documents do not provide sufficient detail to characterize the structure, the evaluation may be based on field surveys, summarized in as-built drawings. These drawings must depict building dimensions, component sizes, reinforcing information (for concrete and masonry elements), connection details, footing information, and the proximity of neighboring structures. All parts of the building that may contribute to the seismic resistance or that may be affected by the seismic response of the structure must be identified. The field survey shall establish the physical existence of the structural members, and identify critical load bearing members, transfer mechanisms, and connections. The survey shall include information on the structural elements and connector materials and details. Performing the field survey will entail removal of fireproofing or concrete encasement at critical locations to permit direct visual inspection and measurement of elements and connections. Nondestructive techniques such as radiographic, electromagnetic and other methods may be used to supplement destructive techniques.

1. **Steel elements.** Steel elements shall be classified by structural member type (e.g., rolled or build-up, material grade, and general properties). The survey shall note the presence of degradation or indications of plastic deformation, integrity of surface coatings, and signs of any past movement. For degraded elements, the lost

**TABLE 2.1—SOIL PROFILE TYPES AND SITE COEFFICIENTS**

SOIL PROFILE TYPE	PROFILE WITH	SITE COEFFICIENT, S
S1	Rock of any characteristic, either shale-like or crystalline in nature. Such material may be characterized by a shear wave velocity greater than 2,500 feet per second or by other appropriate means of classification.	1.0
	or	
	Stiff soil conditions where the soil depth is less than 200 feet and the soil types overlying rock are stable deposits of sands, gravels or stiff clays.	
S2	Deep cohesionless or stiff clay conditions, including sites where the soil depth exceeds 200 feet and the soil types overlying rock are stable deposits of sands, gravels or stiff clays.	1.2
S3	Soft- to medium-stiff clays and sands characterized by 30 feet or more of soft- to medium-stiff clays with or without intervening layers of sand or other cohesionless soils.	1.5
S4	More than 70 feet of soft clays or silts characterized by a shear wave velocity less than 400 feet per second.	2.0

## HISTORY NOTE APPENDIX FOR CHAPTER 6

### Administrative Regulations for the Office of Statewide Health Planning and Development California Code of Regulations, Title 24, Part 1

#### HISTORY:

The history notes for prior changes remain within the text of this code.

1. (OSHDP 1/96) Adoption of Chapter 6, Seismic Evaluation Procedures for Hospital Buildings, Part 1, Title 24, C.C.R. Filed with the secretary of state on April 8, 1997, effective April 8, 1997. Approved by the California Building Standards Commission on February 6, 1997.
2. (OSHDP 1/97) New Article 1-Definitions and Requirements based on SB 1953. Approved by the California Building Standards Commission on March 18, 1998. Filed with the Secretary of State on March 25, 1998, effective March 25, 1998.
3. (BSC 2/99) Article 1-7, Conflict of Interest Code. Amend Section 1-701. Approved by the Fair Political Practices Committee on October 29, 1999. Filed with the Secretary of State on December 31, 1999, effective January 30, 2000.
4. (OSHDP EF 1/00) Part 1, Chapter 6, Articles 1, 10, 11 and Appendix. Approved as submitted by the California Building Standards Commission on February 28, 2000. Filed with the Secretary of State on March 3, 2000, effective March 3, 2000. Permanent approval by California Building Standards Commission on May 24, 2000. Certification of Compliance filed with Secretary of State May 26, 2000.
5. (OSHDP EF 2/00) Part 1, Amend Chapter 6, Articles 1, 2, 10 and 11. Emergency approval by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on May 26, 2000, effective May 26, 2000. Permanent approval by California Building Standards Commission September 20, 2000. Certification of Compliance filed with Secretary of State November 15, 2000.
6. (OSHDP EF 5/01) Emergency adoption of amendments to hospital seismic safety evaluation regulations contained in Title 24, C.C.R., Part 1, Chapter 6. Approved by the California Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective December 4, 2001.
7. (OSHDP EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.
8. (OSHDP EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.
9. (OSHDP EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Approved as emergency by the California Building Standards Commission on December 13, 2005. Filed with the Secretary of State on December 14, 2005 with an effective date of December 14, 2005.
10. (OSHDP EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Re-adopted/approved as emergency by the California Building Standards Commission on March 22, 2006. Filed with the Secretary of State on March 30, 2006 with an effective date of March 30, 2006.
11. (OSHDP 01/04) Amend Article 1 for nonconforming hospital buildings. Filed with Secretary of State on May 23, 2006, and effective on the 30th day after filing with the Secretary of State.
12. (OSHDP EF 01/05) Amend Title 24, Part 1, Chapter 6, Article 11 and Table 11.1. The language for the permanent rule will remain effective and unchanged from the readoption/approval of Emergency Finding (OSHDP EF 01/05) Supplement dated May 30, 2006. Approved as permanent by the California Building Standards Commission on July 27, 2006 and filed with the Secretary of State on July 28, 2006.
13. (OSHDP EF 01/07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11, Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State July 20, 2007, effective January 1, 2008.
14. (OSHDP EF 01-07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11 and Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective January 1, 2008. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
15. (OSHDP EF 02/07) Amend Title 24, Part 1, Chapter 6, definitions added and Chapter amended throughout with a new Appendix H to Chapter 6. Approved as an emergency regulation by the California Building Standards Commission on November 14, 2007, filed with the Secretary of State on November 29, 2007. Effective November 29, 2007. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
16. (OSHDP 08/09) Amend Title 24, Part 1, Chapter 6 with amendments throughout. Effective on February 13, 2010.
17. (OSHDP EF 01/10) Amend Title 24, Part 1, Chapter 6 with updates to HAZUS standards pursuant to SB 499

(Chapter 601, Statutes of 2009). Effective on February 13, 2010.

18. (OSHPD 02/10) Amend Article 1, Title 24, Chapter 6, effective on August 28, 2011.
19. (OSHPD 01/12 and OSHPD 03/12) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
20. (OSHPD 04/15) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Article 1: Section 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.2, 1.4.5.1.3, 1.4.5.1.4, 1.4.5.1.5, 1.5.1, 2.1.2, 2.1.2.1, 2.1.2.2, 2.7, Table 2.5.3, 11.2.2. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with the Secretary of State.
21. 2018 Triennial Code Adoption Cycle (OSHPD 01/18) Amend Chapter 6, Article 1, Sections 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.3, 1.4.5.1.5, 1.5.1 and 1.5.2; Article 2, Sections 2.1.2.1, 2.1.2.2, Table 2.5.3 and 2.7; Article 11, Table 11.1, Sections 11.2.2, 11.2.3 and 11.2.4. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after filing with the Secretary of State pursuant to *California Health and Safety Code*, Section 18938.
22. 2019 Intervening Cycle Update (OSHPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
23. (OSHPD 01/22) Amend Chapter 6, Article 1 Sections 1.2, 1.4.5, Adopt Chapter 6 Article 1, Sections 1.9, 1.10, 1.11, and 1.12. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.



**CIVIL ENGINEER** means a person licensed as a civil engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**CONFORMING BUILDING** means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code* or classified as SPC-4D, as defined in Chapter 6 of this code.

**CONSTRUCTION** means any construction, reconstruction or alteration of, or addition or repair to any health facility.

**DEFERRED SUBMITTALS** see Section 7-126.

**DIRECTOR** means the Director of the Office of Statewide Health Planning and Development or the Director's designee authorized to act in his or her behalf.

**ELECTRICAL ENGINEER** means a person licensed as an electrical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**EMERGENCY REPAIR [OSHPD 1, 2, 3 & 5]** Repair to, or replacement of, an element of a building, structure, utility system, or equipment that is essential to the continued safe occupation and operation of a facility. May include repairs needed after a disaster.

**ENGINEERING GEOLOGIST** means a person certified as an engineering geologist under Chapter 12.5 (commencing with Section 7800), Division 3, the California Business and Professions Code, in that branch of engineering which is applicable.

**ESTIMATED CONSTRUCTION COST** means the cost estimate of actual construction cost proposed by an applicant for a construction project within the Office's jurisdiction.

**FEE** means the fees authorized in the *California Health and Safety Code*, and the *California Building Standards Code*.

**FIRM** includes any qualified corporation, legal entity, architect or engineer.

**FREESTANDING** as applied to structures that are adjacent to a licensed hospital building means a structure that meets the following criteria:

1. Structural separation shall comply with the applicable provisions of the *California Building Code*.
2. Fire-resistance-rated construction separations shall comply with the applicable provisions of the *California Building Code*.
3. Buildings on the same lot shall comply with the height and area limitations of the *California Building Code*.

**HEALTH FACILITY** as used in this part and all applicable parts of the *California Building Standards Code* means any health facility licensed pursuant to Section 1250 of the Health and Safety Code under the jurisdiction of the Office.

(a) Hospital building includes:

1. **HOSPITAL BUILDING** as used in this part and other applicable parts of the *California Building Standards Code* means any building used for a health facility of a type required to be licensed pursuant to Section 1250 of the Health and Safety Code.
2. Except as provided in paragraph (7) of subdivision (b), hospital building includes a correctional treatment cen-

ter, as defined in subdivision (j) of Section 1250, the construction of which was completed on or after March 7, 1973.

(b) **HOSPITAL BUILDING** does not include any of the following:

1. Any building in which outpatient clinical services of a health facility licensed pursuant to Section 1250 are provided that is freestanding from a building in which hospital services are provided. If any one or more outpatient clinical services in the building provide services to inpatients, the building shall not be included as a "hospital building" if those services provided to inpatients represent no more than 25 percent of the total outpatient visits provided at the building. Hospitals shall maintain on an ongoing basis, data on the patients receiving services in these buildings, including the number of patients seen, categorized by their inpatient or outpatient status. Hospitals shall submit this data annually to the Department of Public Health.
2. Any building used, or designed to be used, for a skilled nursing facility or intermediate care facility, if the building is of single-story, wood-frame or light steel frame construction.
3. Any building of single-story, wood-frame or light steel frame construction in which only skilled nursing or intermediate care services are provided if the building is separated from a building housing other patients of the health facility receiving higher levels of care.
4. Any freestanding structures of a chemical dependency recovery hospital exempted under the provisions of subdivision (c) of Section 1275.2.
5. Any building licensed to be used as an intermediate care facility/developmentally disabled habilitative with six beds or less and any intermediate care facility/developmentally disabled habilitative of 7 to 15 beds that is a single-story, wood-frame or light-steel frame building.
6. Any building subject to licensure as a correctional treatment center, as defined in subdivision (j) of Section 1250, the construction which was completed prior to March 7, 1973.
7.
  - A. Any building that meets the definition of a correctional treatment center pursuant to subdivision (j) of Section 1250, for which the final design documents were completed or the construction of which was begun prior to January 1, 1994, operated by or to be operated by the Department of Corrections, the Department of the Youth Authority, or by a law enforcement agency of a city, county, or a city and county.
  - B. In the case of reconstruction, alteration, or addition to the facilities identified in this paragraph, and paragraph (6) or any other building subject to licensure as a general acute care hospital, acute psychiatric hospital, correctional treatment center, or nursing facility, as defined in subdivisions (a), (b), (j) and (k) of Section 1250, operated or to be operated by the Department of Corrections, the Department of

the Youth Authority, or by a law enforcement agency of city, a county, or city and county, only the reconstruction, alteration, or addition, itself, and not the building as a whole, nor any other aspect thereof, shall be required to comply with this chapter or the regulations adopted pursuant thereto.

**HOSPITAL BUILDING SAFETY BOARD** means the Board which shall advise the Director and, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Section 18945, shall act as a board of appeals in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of hospital building projects submitted to the Office pursuant to this chapter.

Further, notwithstanding Section 13142.6, the Board shall act as the board of appeals in matters relating to all fire and panic safety regulations and alternate means of protection determinations for hospital building projects submitted to the Office pursuant to this chapter.

The Board shall consist of 16 members appointed by the Director of the Office. Of the appointive members, two shall be structural engineers, two shall be architects, one shall be an engineering geologist, one shall be a geotechnical engineer, one shall be a mechanical engineer, one shall be an electrical engineer, one shall be a hospital facilities manager, one shall be a local building official, one shall be a general contractor, one shall be a fire and panic safety representative, one shall be a hospital inspector of record and three shall be members of the general public.

There shall be six ex officio members of the Board, who shall be the Director of the Office, the State Fire Marshal, the State Geologist, the Executive Director of the California Building Standards Commission, the State Director of Health Services, and the Deputy Director of the Facilities Development Division in the Office, or their officially designated representatives.

**HOSPITAL INSPECTOR** means an individual who has passed the OSHPD certification examination and possesses a valid Hospital Inspector Certificate (or Construction Inspector for Health Facilities Certificate) issued by the Office.

**HOSPITAL INSPECTOR OF RECORD (IOR)** means an individual who is:

- (a) An OSHPD certified Hospital Inspector, pursuant to the provisions of these regulations and
- (b) Employed by the hospital governing board or authority and
- (c) Approved by the architect and/or engineer in responsible charge and the Office as being satisfactory to inspect a specified construction project.

**INTEGRATED REVIEW** is the process that engages the Office, at its sole discretion, early in the project design and continues through the development and submission of documents during the design phases of conceptualization, criteria design, detailed design, implementation documents, office review, and final plan approval. Within each phase, milestones are established for specific, agreed-upon points in time where segments of the design/building system are completely designed and/or defined in their entirety. The Office provides

an agreed-upon level of review that allows for written conditional acceptance of these elements and/or systems.

**LICENSE** means the basic document issued by the Department of Health Services permitting the operation of a health facility under the provisions of Title 22, California Code of Regulations, Division 5.

**LOCAL GOVERNMENT ENTITY** means a building department of a city, city and county, or county.

**MAINTENANCE [OSHPD 1, 2, 3 & 5]** The routinely recurring work required to keep a facility (plant, building, structure, utility system, etc.) in such condition that it may be continuously utilized, at its original or designed capacity and efficiency, for its intended purpose. Actions necessary for retaining or restoring an existing element or component of a building, piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life, including corrective maintenance and preventative maintenance.

**MANAGED PROJECT** means a project where schedules and deadlines relating to plan review are negotiated between the Office and the governing board or authority of the health facility or their designated representative. Managed projects include, but are not limited to, projects approved by the Office for integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

**MATERIALLY ALTER** as applied to construction projects or approved construction documents means any change, alteration or modification, as determined by the Office, that alters the scope of a project, could cause the project to be in non-compliance with the *California Building Standards Code*, or causes an unreasonable risk to the health and safety of patients, staff or the public.

**MECHANICAL ENGINEER** means a person licensed as a mechanical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**MINORITY, WOMEN AND DISABLED VETERAN BUSINESS ENTERPRISE** shall have the respective meanings set forth in Section 10115.1 of the Public Contract Code.

**NONCONFORMING BUILDING** means any building that is not a conforming building.

**NONSTRUCTURAL ALTERATION** means any alteration which neither affects existing structural elements nor requires new structural elements for vertical or lateral support and which does not increase the lateral force in any story by more than five percent.

**OFFICE** means the Facilities Development Division within the Office of Statewide Health Planning and Development.

**PRIMARY GRAVITY LOAD RESISTING SYSTEM (PGLRS)** means assembly of structural elements in the building that resists gravity loads, including floor and roof beams/girders supporting gravity loads or any other members designed to support significant gravity loads. Foundations supporting loads from the PGLRS shall be considered part of the PGLRS.

**PROGRAM FLEXIBILITY** means the approved use of an alternate space utilization, new concepts of design, treatment

techniques or alternate finish materials. Program flexibility requests must be reviewed by the Department of Public Health and the Office, or other authority having jurisdiction.

**RECONSTRUCTION** means the rebuilding of any “existing building” to bring it into full compliance with these regulations and all applicable parts of the *California Building Standards Code*.

**SEISMIC FORCE RESISTING SYSTEM (SFRS)** means assembly of structural elements in the building that resists seismic loads, including struts, collectors, chords, diaphragms and trusses. Foundations supporting loads from the SFRS shall be considered part of the SFRS.

**SIGN, SIGNED, SIGNATURE, SIGNATURES** means to affix an individual’s signature by manual, electronic or mechanical methods. Manual method includes, but is not limited to, a pen and ink signature. Electronic method includes, but is not limited to, scanned signature images embedded in construction documents, faxes or other electronic document files. Mechanical method includes, but is not limited to, rubber stamp signature.

**SITE DATA** means reports of investigation into geology, earthquake ground motion and geotechnical aspects of the site of a health facility construction project.

**SMALL BUSINESS** means a firm that complies with the provisions of Government Code Section 14837.

**START OF CONSTRUCTION [OSHPD 1, 1R, 2, 4, 5 & 6]** is the date the actual physical work, demolition, construction, repair, reconstruction, rehabilitation, addition, preparation of the site for the first placement of permanent construction of a building such as the trenching for foundations or utilities, or other improvements or offsite component preparation as shown on the approved construction documents begins.

**STRUCTURAL ELEMENTS** means floor or roof diaphragms, decking, joists, slabs, beams or girders; columns; bearing walls; retaining walls; masonry or concrete nonbearing walls exceeding one story in height; foundations; shear walls or other lateral force resisting members; and any other elements necessary to the vertical and lateral strength or stability of either the building as a whole or any of its parts including connections between such elements.

**STRUCTURAL ENGINEER** means a person licensed as a structural engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**STRUCTURAL REPAIRS** means any change affecting existing or requiring new structural elements primarily intended to correct the effects of deterioration or impending or actual failure, regardless of cause.

**SUBSTANTIAL COMPLIANCE** means a stage of a construction or building project, or a designated portion of the project, that is sufficiently complete in accordance with the approved construction plans and the California Building Standards Code such that the owner may use or occupy the building project, or designated portion thereof, for the intended purpose.

**VOLUNTARY STRUCTURAL ALTERATION** means any alteration of existing structural elements or provision of

new structural elements which is not necessary for vertical or lateral support of other work and is initiated by the applicant primarily for the purpose of increasing the vertical or lateral load carrying strength or stiffness of an existing building.

#### HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-111. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-111, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.
3. (OSHPD/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
4. (OSHPD/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

## ARTICLE 3

### APPROVAL OF CONSTRUCTION DOCUMENTS

#### 7-113. Application for plan, report or seismic compliance extension review.

(a) Except as otherwise provided in this part, before commencing construction or alteration of any health facility, the governing board or authority thereof shall submit an application for plan review to the Office and shall obtain the written approval thereof by the Office describing the scope of work included and any special conditions under which approval is given.

1. The application shall be electronic and contain a definite identifying name for the health facility, the name of the architect or engineer who is in responsible charge of the work, pursuant to Section 7-115 (a), the names of the delegated architects or engineers responsible for the preparation of portions of the work pursuant to Section 7-115(a)3, the estimated cost of the project and all such other information required for completion of the application. The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as an alternate(s), provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.
2. Submission of documents to the Office shall be electronic and may be in three consecutive stages:
  - A. Geotechnical Review: Application for plan review and, when applicable, the site data must be attached.
  - B. Preliminary Review: Submit reports or preliminary plans and preliminary annotated specifications to the Office.
  - C. Final Review: The final construction documents and reports shall be submitted to the Office.

(b) Application for seismic compliance extension requires submission of OSHPD Application Form #OSH-FD-384, "Application for 2008 Extension/Delay in Compliance." The submittal must comply with the applicable requirements of Chapter 6, Article 1, Section 1.5.2 "Delay in Compliance."

(c) For every project there shall be an architect or engineer in responsible charge of reviewing and coordinating all submittals, except as set forth in Section 7-115(c).

1. A project may be divided into parts, provided that each part is clearly defined by an architectural building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of the delegated architects or engineers pursuant to Section 7-115(a)3 may be made for the parts. Incremental projects pursuant to Section 7-131 shall consist of only one building.

(d) The assignment of the delegated architect or engineer pursuant to Section 7-115 (a) 3 and the responsibility for the preparation of construction documents and the administration of the work of construction for portions of the work shall be clearly designated on the application for approval of reports or construction documents.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-113. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-115. Preparation of construction documents and reports.**

(a) All construction documents or reports, except as provided in (c) below shall be prepared under an architect or engineer in responsible charge. Prior to submittal to the office, the architect or engineer in responsible charge for a project shall sign every sheet of the drawings, and the title sheet, cover sheet or signature sheet of specifications and reports. A notation may be provided on the drawings indicating the architect's or engineer's role in preparing and reviewing the documents.

1. Except as provided in paragraph 2 below, the architect or engineer in responsible charge of the work shall be an architect or structural engineer.
2. For the purposes of this section, a mechanical, electrical, or civil engineer may be the engineer in responsible charge of alteration or repair projects that do not affect architectural or structural conditions, and where the work is predominantly of the kind normally performed by mechanical, electrical, or civil engineers.
3. The architect or engineer in responsible charge may delegate the preparation of construction documents and administration of the work of construction for designated portions of the work to other architects and/or engineers as provided in (b) below. Preparation of portions of the work by others shall not be construed as relieving the architect or engineer in responsible charge of his rights, duties and responsibilities under Section 129805 of the Health and Safety Code.

(b) Architects or engineers licensed in the appropriate branch of engineering, may be responsible for the preparation of construction documents and administration of the work of construction as permitted by their license, and as provided below. Architects and engineers shall sign and affix their professional stamp to all construction documents or reports that are prepared under their charge. All construction documents shall be signed and stamped prior to issuance of a building permit.

1. The structural construction documents or reports shall be prepared by a structural engineer. Architects may prepare construction documents and reports as permitted by their license.
2. A mechanical or electrical engineer may prepare construction documents or reports for projects where the work is predominately of the kind normally prepared by mechanical or electrical engineers.
3. A civil engineer may prepare construction documents or reports for the anchorage and bracing of nonstructural equipment.

(c) A licensed specialty contractor may prepare construction documents and may administer the work of construction for health facility construction projects, subject to the following conditions:

1. The work is performed and supervised by the licensed specialty contractor who prepares the construction documents,
2. The work is not ordinarily within the standard practice of architecture and engineering,
3. The project is not a component of a project prepared pursuant to 7-115(a) and (b),
4. The contractor responsible for the design and installation shall also be the person responsible for the filing of reports, pursuant to Section 7-151,
5. The contractor shall provide with the application for plan review to the Office a written and signed statement stating that he or she is licensed, the number of the license, and that the license is in full force and effect, and
6. The work is limited to one of the following types of projects:
  - A. Fire protection systems where none of the fire sprinkler system piping exceeds 2 $\frac{1}{2}$  inches (63.5 mm) in diameter.
  - B. Low voltage systems not in excess of 91 volts. These systems include, but are not limited to, telephone, sound, cable television, closed circuit video, nurse call systems and power limited fire alarm systems.
  - C. Roofing contractor performing reroofing where minimum  $\frac{1}{4}$  inch (6.4 mm) on 12 inch (305 mm) roof slopes are existing and any roof mounted equipment needing remounting does not exceed 400 pounds.
  - D. Insulation and acoustic media not involving the removal or penetration of fire-rated walls, or ceiling and roof assemblies.

(d) The specification and use of preapprovals does not preempt the plan approval and building permit process. Construction documents using preapprovals shall be submitted to

the Office for review and approval and issuance of a building permit prior to the start of construction.

1. The registered design professional, in conjunction with the registered design professional in responsible charge, listed on the plan review application or the building permit application, shall review all qualities, features, and/or properties to ensure code compliance, appropriate integration with other building systems, and proper design for the project-specific conditions and installation. Stamping and signing of construction documents as required in subsection (a) and (b) shall be for this purpose only.
2. When preapprovals are used, they shall be incorporated into the construction documents. Incorporation by reference only is not permitted. Preapprovals must be incorporated without any modification. This subsection shall not apply if modifications are made to the preapproved details.
3. Preapprovals submitted after the construction documents have been approved and a building permit has been issued shall be incorporated into the construction documents in accordance with Section 7-153.
4. The use of preapproved details must strictly comply with all manufacturer's instructions, conditions, special requirements, etc., which are a part of the preapproval.
5. Conditions not covered by a preapproval shall be substantiated with calculations, drawings, specifications, etc., stamped and signed by the registered design professional and signed by the registered design professional in responsible charge listed on the plan review application or building permit application and must be submitted to the OSHPD for review and approval prior to construction.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-115. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**|| 7-116. Reserved.**

**7-117. Site data.**

(a) The site data reports shall be required for all proposed construction except:

1. As provided in Part 2, Title 24.
2. One-story, wood-frame or light steel frame buildings of Type II or V construction and 4,000 square feet or less in floor area not located within Earthquake Fault Zones or Seismic Hazard Zones as shown in the most recently published maps from the California Geological Survey (CGS) or in seismic hazard zones as defined in the Safety Element of the local General Plan.
3. Nonstructural alterations.
4. Structural repairs for other than earthquake damage.
5. Incidental structural additions or alterations.

(b) The site data reports shall be furnished to the Office for review and evaluation prior to the submittal of the project documents for final plan review. Site data reports shall comply with the requirements of these regulations and Part 2, Title 24. Upon the determination that the investigation of the site and the reporting of the findings was adequate for the design of the project, the Office will issue a letter stating the site data reports are acceptable.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7.117. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-118. Building energy efficiency program.** Healthcare facility projects that consist of a newly constructed building or an addition that increases floor area and conditioned volume requires compliance with Title 24, Part 6, *California Energy Code*.

**7-119. Functional program.**

(a) **General.**

1. **Functional program requirement.** The owner or legal entity responsible for the outcome of the proposed health care facility design and construction project shall be responsible for providing a functional program to the project's architect/engineer and to the Office. The requirement applies to all scopes and disciplines of the project that affect patient care directly or indirectly, by means of new construction, additions, or modifications to specific hospital departmental functions which form an integral part of the facility. Projects that only involve equipment replacement, fire safety upgrades, or renovations that will not change the occupancy, function, or use of existing space shall not require a functional program.

2. **Functional program purpose.**

- A. An owner-approved functional program shall be made available for use by the design professional(s) in the development of project design and construction documents, and shall be submitted to the Office, at the time of application for plan review, to serve as a reference for the review of the application documents.
- B. Revisions to the functional program shall be documented and a final updated version shall be submitted to the Office prior to approval of the construction documents.
- C. The facility is encouraged to retain the functional program with other design data to facilitate future alterations, additions, and program changes.

3. **Nomenclature in the functional program.**

- A. The names for spaces and departments used in the functional program shall be consistent with those used in the *California Building Code*. If acronyms are used, they should be defined clearly.
- B. The names and spaces indicated in the functional program shall also be consistent with those used on submitted floor plans.

(b) **Functional program executive summary.** An executive summary of the key elements of the functional program shall be provided and, at a minimum, shall include the following narrative:

1. **Purpose of the project.**

- A. The narrative shall describe the services to be provided, expanded, or eliminated by the proposed project.
- B. The narrative shall describe the intent of the project and how the proposed modifications will address the intent.

2. **Project type and size.**

- A. The type of health care facility(ies) proposed for the project shall be identified as defined by the *California Building Code*.
- B. Project size in square footage (new construction and renovation) and number of stories shall be provided.

3. **Construction type/occupancy and building systems.**

- A. **New construction.** If the proposed project is new construction that is not dependent on or attached to an existing structure, the following shall be included:

- (1) A description of construction type(s) for the proposed project.
- (2) A description of proposed occupancy(ies) and, if applicable, existing occupancy(ies).
- (3) A description of proposed engineering systems.
- (4) A description of proposed fire protection systems.

- B. **Renovation.** For a project that is a renovation of, or addition to, an existing building, the following shall be included in the project narrative:

- (1) A description of the existing construction type and the construction type for any proposed renovations or additions shall be described.
- (2) A general description of existing engineering systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.
- (3) A general description of existing fire protection systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.

(c) **Functional program content.** The functional program for the project shall include the following:

- 1. **Purpose of the project.** The physical, environmental, or operational factors, or combination thereof, driving the need for the project and how the completed project will address these issues shall be described.
- 2. **Project components and scope.**
  - A. The department(s) affected by the project shall be identified.

- B. The services and project components required for the completed project to function as intended shall be described.

3. **Indirect support functions.** The increased (or decreased) demands throughout, workloads, staffing requirements, etc., imposed on support functions affected by the project shall be described. (These functions may or may not reside adjacent to or in the same building or facility with the project.)

4. **Operational requirements.** The operational requirements, which include but are not limited to the following, shall be described:

- A. Projected operational use and demand loading for affected departments and/or project components.
- B. Relevant operational circulation patterns, including staff, family/visitor, and materials movement.
- C. Departmental operational relationships and required adjacencies

5. **Environment of care requirements.** The functional program shall describe the functional requirements and relationships between the following environment of care components and key elements of the physical environment:

A. **Delivery of care model (concepts).** This shall include:

- (1) A description of the delivery of care model, including any unique features.
- (2) A description of the physical elements and key functional relationships necessary to support the intended delivery of care model.

B. **Patients, visitors, physicians, and staff accommodation and flow.** Design criteria for the following shall be described:

- (1) The physical environment necessary to accommodate facility users and administration of the delivery of care model.
- (2) The physical environment (including travel paths, desired amenities and separation of users and workflow) necessary to create operational efficiencies and facilitate ease of use by patients, families, visitors, staff, and physicians.

C. **Building infrastructure and systems design criteria.** Design criteria for the physical environment necessary to support organizational, technological, and building systems that facilitate the delivery of care model shall be described.

D. **Physical environment.** Descriptions of and/or design criteria for the following shall be provided:

- (1) Light and views – How the use and availability of natural light, illumination, and views are to be considered in the design of the physical environment.
- (2) Wayfinding.
- (3) Control of environment – How, by what means, and to what extent users of the finished project are able to control their environment.

- (4) Privacy and confidentiality – How the privacy and confidentiality of the users of the finished project are to be protected.
- (5) Security – How the safety and security of patients or residents, staff, and visitors shall be addressed in the overall planning of the facility consistent with the functional program.
- (6) Architectural details, surfaces, and furnishing characteristics and criteria.
- (7) Cultural responsiveness – How the project addresses and/or responds to local or regional cultural considerations.
- (8) Views of, and access to, nature.

#### 6. Architectural space and equipment requirements.

##### A. Space list.

- (1) The functional program shall contain a list organized by department or other appropriate functional unit that shows each room in the proposed project, indicating its size by gross floor area and clear floor area.
- (2) The space list shall indicate the spaces to which the following components, if required, are assigned:
  - (a) Fixed and movable medical equipment.
  - (b) Furnishings and fixtures.
  - (c) Technology provisions.

##### B. Area.

- (1) Gross floor area for the project shall be aggregated by department, and appropriate multiplying factors shall be applied to reflect circulation and wall thicknesses within the department or functional area. This result shall be referred to as department gross square footage (DGSF).
- (2) DGSF for the project shall be aggregated, and appropriate multiplying factors shall be applied to reflect inter-departmental circulation, exterior wall thickness, engineering spaces, general storage spaces, vertical circulation, and any other areas not included within the intra-department calculations. This result shall be referred to as building gross square footage (BGSF) and shall reflect the overall size of the project.

#### 7. Technology requirements. Technology systems for the project shall be identified to serve as a basis for project coordination and budgeting.

- A. Any technology systems integration strategy shall be defined.
- B. Department and room specific detail for system and device deployment shall be developed.

#### 8. Short- and long-term planning considerations. A statement addressing accommodations for the following, as appropriate for the project shall be included:

- A. Future growth.
- B. Impact on existing adjacent facilities.
- C. Impact on existing operations and departments.

##### D. Flexibility.

- 9. **Patient safety risk assessment.** Projects associated with acute psychiatric hospitals, acute psychiatric nursing units in general acute-care hospitals, and special treatment program service units in skilled nursing facilities shall include a Patient Safety Risk Assessment. At a minimum, a Behavioral and Mental Health Risk Assessment shall be addressed as part of the Patient Safety Risk Assessment. The Patient Safety Risk Assessment shall be subject to review and approval by the California Department of Public Health.

**A. Behavioral and mental health risk assessment.** A Behavioral and Mental Health Risk Assessment shall be prepared for all acute psychiatric hospitals, psychiatric nursing units within general acute-care hospitals, and special treatment program units in skilled nursing facilities. The risk assessment shall include evaluation of the population at risk and the nature and scope of the project, taking into account the model of care and operational considerations, and proposed built environment solutions to mitigate potential risks and hazards.

**B. Behavioral and mental health elements (psychiatric patient injury and suicide prevention).** The safety risk assessment report shall identify areas that will serve patients at risk of mental health injury and suicide.

##### C. Behavioral and mental health response.

- (1) The safety risk assessment team shall identify mitigating features for the identified at-risk locations.
- (2) The design of behavioral and mental health patient care settings shall address the need for a safe treatment environment for those who may present unique challenges and risks as a result of their mental condition.
  - (i) The patient environment shall be designed to protect the privacy, dignity, and health of patients and address the potential risks related to patient elopement; and harm to self, to others, and to the environment.
  - (ii) The design of behavioral/mental health patient areas shall accommodate the need for clinical and security resources.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675-129998.

**Informational Note:** Behavioral and mental health risk should be determined through simultaneous consideration of the inherent danger of any individual environmental feature because of patient profile and acuity, the anticipated level of staff supervision for each area, and space visibility and supervision.

The governing body should develop a detailed assessment of the level of risk for each program area where mental health patients will be served (e.g., emergency department, nursing units). Refer to Appendix Table A1.2-a Safety Risk Assessment Team Member Expertise of the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* for areas of expertise needed on the behavioral and mental health assessment team.

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Each area should be evaluated to identify the architectural details, surfaces, and furnishings and exposed mechanical and electrical devices and components to be addressed in the risk assessment. Examples of areas to be included in a mental health risk assessment include the following:

**Highest Level of Risk**

1. Seclusion rooms (where patient acuity poses an increased risk).
2. Patient bedrooms and toilet rooms (areas where patients spend long periods of time out of direct supervision of the staff).
3. Psychiatric emergency department (comprehensive psychiatric emergency program) and area under good supervision but dealing with unpredictable patients under initial evaluation and often under heavy medication.

**Moderate Level of Risk**

1. Activity spaces, group rooms, and treatment spaces (supervised with good visibility).
2. Dining rooms and recreation spaces, both indoor and outdoor.
3. Corridors (always visible).

**Lowest Level of Risk**

1. Exam rooms, private offices, and conciliation rooms (always supervised).
2. Staff and support areas (not accessible by patients).

Other information that could be considered can be found in *Patient Safety Standards, Materials and Systems Guidelines* published by the New York State Office of Mental Health, and the *Behavioral Health Design Guide* by Behavioral Health Facility Consulting, LLC.

## 7-120. Reserved.

### 7-121. Presubmittal meeting.

(a) A presubmittal meeting between the Office and the design professionals is required for construction or alteration projects for hospital buildings and buildings described in paragraphs (2) and (3) of Subdivision (b) of Section 129725 of the Health and Safety Code with estimated construction costs of twenty million dollars (\$20,000,000) or more. The presubmittal meeting shall be held prior to the submittal of preliminary plans and specifications or final construction documents. Prior to scheduling a presubmittal meeting, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Meeting agenda listing major points of discussion.
2. New and if applicable, existing floor plans.
3. Description and scope of the project.
4. Functional Program as described in Section 7-119.
5. Description of structural systems—vertical, lateral, foundation, etc.
6. Alternate method of compliance and program flexibility issues.
7. Type of construction.
8. Occupancy—existing and proposed, with justification.
9. Accessibility considerations, including path of travel.
10. Preliminary means of egress plan.
11. Architectural, structural, mechanical, plumbing, electrical, and fire and life safety issues.

(b) The architect or engineer in responsible charge shall record all resolutions of substantive issues in a letter of understanding that shall be submitted to the Office for acceptance prior to the submittal of final construction documents. The letter of understanding shall be based on the assumptions

presented at the presubmittal meeting. Subsequent changes in design, program requirements, project delivery, or other unforeseen issues may necessitate modifications to the letter of understanding.

(c) **Integrated review.** A request for Integrated Review (IR) must be submitted to the Office in writing, prior to the presubmittal meeting being scheduled. In addition to the items listed in Section 7-121 (a), for IR projects, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Complete project schedule.
2. Proposed review matrix outlining all phases, milestones, increments, and segments for the project.
3. Initial draft of the Integrated Review Plan (IRP) proposed, defining roles and accountability of the participants.

**Authority:** Health and Safety Code Section 18929 and 129675–130070

**Reference:** Health and Safety Code Section 129850

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-121. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

## 7-122. Reserved.

### 7-123. Preliminary plans and specifications.

(a) The governing board or authority or their designated representative may submit preliminary plans and preliminary annotated specifications to the Office for review prior to submittal of the final construction documents.

(b) The Office's review of the preliminary plans and outline specifications shall be limited to the content of the preliminary plans and outline specifications submitted. A copy of the marked-up preliminary plans and outline specifications or of the approved preliminary plans and outline specifications shall accompany the submittal of the final construction documents.

**Authority:** Health and Safety Code Section 18929 and 129675–130070

**Reference:** Health and Safety Code Section 129850

## 7-124. Reserved.

### 7-125. Final review of construction documents.

(a) Final construction documents shall be submitted in accordance with Section 107, Part 2, Title 24 within 10 days of application. Final construction documents that are incomplete shall be returned to the applicant for completion prior to acceptance by the Office for plan review.

(b) Local government entity zoning approvals or clearances shall be furnished to the Office, when applicable, prior to approval of the final construction documents by the Office.

(c) When the Office finds items on the final construction documents that do not comply with these regulations and/or applicable sections of the *California Building Standards Code*, the noncomplying items shall be noted in writing with a proper code citation. The marked-up set of construction documents will be returned to the architect or engineer in responsible charge. Corrected construction documents shall be filed for



backcheck when the original check or subsequent backchecks(s) indicates that extensive changes are necessary. Where necessary corrections are of a minor nature, corrected original construction documents may be filed for backcheck. The architect or engineer in responsible charge must provide a written response to all comments made by the Office. The written response must include a description and a location of the corrections made to the construction documents. The written response may be provided as a letter. Changes in construction documents, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of the Office in writing or by submission of revised construction documents identifying those changes. Failure to give such notice voids any subsequent approval given to the construction documents.

(d) The Office's approval of the final construction documents shall be in accordance with Section 107.3.1, Part 2, Title 24.

(e) **Changes in scope.** Changes to the scope of the original project shall be required to be submitted as a separate project.

**Exception:** At the discretion of the Office, changes in scope may be allowed in the original project. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-125. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-125, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

#### **7-126. Deferred submittals.**

(a) **Conditions.** Where a portion of the design cannot be fully detailed on the approved construction document because of variations in product design and manufacture, the approval of the construction documents for such portion may be deferred until the material suppliers are selected under the following conditions:

1. The construction documents clearly describe the deferred submittals that shall be approved by the Office prior to fabrication and installation for the indicated portions of the work.
2. The construction documents fully describe the performance and loading criteria for such work.
3. After the construction documents are approved and within 30 calendar days after commencement of construction, the architect or engineer in responsible charge shall submit a schedule to the Office indicating when the deferred submittals will be submitted to the Office for review.

**Exception:** Seismic Force Resisting System (SFRS), Primary Gravity Load Resisting System (PGLRS) and stairs shall not be deferred.

(b) **Submittal process and notation.** Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, for review prior to submittal to the Office. The architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.

(c) **Stamping and signing.** Stamping and signing of deferred submittals shall comply with Section 7-115(a) and (b).

(d) **Fabrication and installation.** The deferred submittal items shall not be fabricated or installed until their design and submittal documents have been approved by the Office.

(e) **Limitations.** The Office shall have sole discretion as to the portions of the design that may be deferred.

#### **7-127. Projects exempt from plan review process.**

(a) The Office may exempt from the plan review process construction or alteration projects for hospitals, skilled nursing facilities and intermediate care facilities, if the project meets the following criteria:

1. The estimated construction cost is \$50,000 or less. For the purpose of determining eligibility for exemption from the plan review process, the estimated construction cost excludes imaging equipment costs; design fees; inspection fees; off-site work; and fixed equipment costs, including but not limited to sterilizers, chillers and boilers.
2. The construction documents are stamped and signed pursuant to Section 7-115(a) and (b).
3. The entire project or an element of the project shall not pose a clear and significant risk to the health and safety of the patients, staff or public.

(b) Projects subdivided into smaller projects for the purpose of evading the cost limitation requirement shall not be exempt from the plan review process. (c) All requirements of Article 4, Construction must be met, except Section 7-135(a)1.

#### **7-128. Work performed without a permit.**

(a) **Compliance examination.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office when review, permitting and/or observation is required, and without the exemption by the Office provided for in Section 7-127, shall be subject to examination by the Office to assess relevant code compliance.

1. Whenever it is necessary to make an inspection to enforce any applicable provision of the *California Building Standards Code* or the Alfred E. Alquist Hospital Facilities Seismic Safety Act, or the Office, or its authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of any applicable building standards that makes the building or premises unsafe, dangerous, or hazardous, the Office or its

authorized representatives may enter the building or premises at any reasonable time for the purpose of inspection and examination authorized by this chapter.

2. Examination by the Office may include, but is not limited to:
  - A. Review of existing plans;
  - B. Site visit(s) as necessary to assess the extent of unpermitted work;
  - C. Inspection of work for the purpose of determining compliance including destructive demolition as necessary in accordance with *California Building Code* Section 110.1 including the removal and/or replacement of any material required to allow inspection, and potentially destructive testing needed to demonstrate compliance with the *California Existing Building Code*; and
  - D. Participation in a predesign conference with architects/engineers to resolve code issues relevant to the corrective or remedial work necessary.

(b) **Plan review.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting and/or observation by the Office, and construction or alteration found in violation of any applicable section of the *California Building Standards Code* during examination, shall be brought into compliance with the current enforceable edition of the *California Building Standards Code*. Application for Office review of construction documents and reports for the construction or alteration and corrective work necessary to remedy any violations, unsafe, dangerous, or hazardous conditions shall be made in accordance with Sections 7-113 through 7-126. The construction documents and reports shall be prepared under an architect or engineer in responsible charge pursuant to Section 7-115 and shall clearly and separately delineate the following:

1. Portions of the building or structure that existed prior to the unpermitted construction or alteration;
2. The unpermitted construction or alteration work that is proposed to remain, including all associated dimensions, assemblies, specifications and details; and
3. New corrective or remedial work necessary to bring the unpermitted construction or alteration work into compliance with all applicable parts of the current *California Building Standards Code*.

(c) **Construction observation.** The construction, inspection and observation of any construction or alteration of any health facility, governed under these regulations, previously performed without the benefit of review, permitting, and/or observation, and of any new corrective or remedial work deemed necessary by the Office, shall be in accordance with Article 4 of this Chapter. The Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*. Any violations found in existing, previously constructed or altered, or new corrective or remedial work shall be corrected as required under *California Building Code* Section 110.6.

(d) **Fees.** Fees associated with compliance examination, plan review and field observation shall be in accordance with the following:

1. The fee for examination shall be the Office's actual costs associated with:
  - A. Field investigation and Office support as described in Section 7-128(a)2; and
  - B. Legal and administrative costs associated with documentation and reporting of violations of licensing statutes and/or pursuing claims of misconduct with the relative Departments and Boards, including but not limited to:
    - 1) The California Department of Public Health;
    - 2) The California Architects Board;
    - 3) The Board for Professional Engineers, Land Surveyors, and Geologists; and
    - 4) The Contractors State License Board.
2. A separate, additional, fee for plan review described in Section 7-128(b) and field observation described in Section 7-128(c) shall be based on the estimated cost of construction as specified below:
  - A. The fee for hospital buildings is 2.0 percent of the estimated construction cost. <
  - B. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. <
  - C. The estimated construction cost for a project shall be determined as described in Section 7-133(a)4 and shall include the value of the previously unpermitted construction, or alteration, plus the value of any new corrective and remedial work.
  - D. The final approval of the work shall be in accordance with Section 7-133 (a) 7.

(e) **Occupancy.** Upon determination that construction or alteration of any health facility, governed under these regulations, has occurred without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, the Office may order the area of construction or alteration to be vacated and remain unoccupied, or that the current certificate of occupancy for the building be revoked under *California Building Code* Section 111.4, until the Office provides a certificate of occupancy upon the completion of all field observation and final construction inspection of the construction or alteration, and associated corrective and remedial work.

**Authority:** Health and Safety Code Sections 18929 and 129765 -130070.

**Reference:** Health and Safety Code Section 129850.

#### 7-129. Time limitations.

(a) Final construction documents shall be submitted to the Office within one year of the date of the Office's report on preliminary plans and outline specifications or the application shall become void unless an extension has been requested and approved. The architect or engineer in responsible charge may request one extension of up to 180 calendar days; however, the Office may require that the construction documents

meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

(b) The procedures leading to obtaining written approval of final construction documents shall be carried to conclusion without suspension or unnecessary delay. Unless an extension has been approved by the Office, the application shall become void when paragraph 1, 2 or 3 occurs:

1. If project actual construction cost is \$500,000 or less and construction documents are not filed for backcheck within 45 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 45 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.
2. If project actual construction cost is greater than \$500,000 and construction documents are not filed for backcheck within 90 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125 (c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 90 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.
3. A set of stamped construction documents are not submitted to the Office within 45 calendar days after the date shown with the identification stamp by the Office.

(c) Construction, in accordance with the approved construction documents, shall commence within one year after obtaining the written approval of construction documents, or this approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.

(d) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated. For the purpose of building permit time limitation, a project shall be considered abandoned when the work of construction, if any, performed during any twelve-month period does not result in a minimum of ten percent increase in the overall percentage of construction work for the project based on either

its scope or cost and no extension for time has been approved by the office.

**Exception:** The time limitations and deadlines specified in Section 7-129 (a) and (b) shall not apply to managed projects as defined in Section 7-111. This includes, but is not limited to, projects approved for integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

(e) The procedures leading to project closeout shall be carried to conclusion without suspension or unnecessary delay. Once project completion Substantial Compliance or a Certificate of Occupancy is issued, final closeout documentation must be submitted within 90 days or the Substantial Compliance or Certificate of Occupancy will be revoked, California Department of Public Health informed of the revocation and the project closed as noncompliant.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-129. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-130. Integrated submittal, review and approval.**

The Office, at its sole discretion, may enter into a written agreement with the hospital governing board or authority for the integrated submittal, review and approval of construction documents.

**7-131. Incremental design, bidding and construction.**

(a) In accordance with Section 107.3.3, Part 2, Title 24, the Office is authorized to review and approve construction documents and issue a permit for increments of a building or structure prior to the construction documents for the entire building or structure have been submitted and approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of applicable codes. For other regulations pertaining to incremental design, bidding and construction, see Section 107.3.3, Part 2, Title 24.

(b) Increments shall be limited to complete phases of construction, such as demolition, site work and utilities, foundations and basement walls, structural framing, architectural work, mechanical work, electrical work, etc. A master plan identifying the work to be completed in each increment and an estimated cost for each increment, and a chart showing the proposed coordination of the design, bidding and construction schedules; state and local plan review times; and estimated completion and occupancy of the project, shall be submitted with the first increment.

(c) The incremental submittals and construction shall be continuous to conclusion without suspension or unnecessary delay unless specifically approved by the Office.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-131. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-132. Design/build method.**

Projects prepared under the design/build delivery method shall comply with all applicable requirements of Title 24, Part 1, California Administrative Code including but not limited to Sections 7-115, 7-141, 7-143, 7-144, 7-145, 7-149, 7-151, 7-153 and 7-155.

**Authority:** Health and Safety Code Section 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**7-133. Fees.**

(a) **Plan review and field observation.** The fee for plan review and field observation shall be based on the estimated cost of construction as specified below. If the actual construction cost for a hospital or skilled nursing facility project exceeds the estimated construction cost by more than five percent (5%), a further fee shall be paid to the Office, based on the applicable schedule specified in (a) (1) or (2) and computed on the amount by which the actual cost exceeds the estimated cost.

1. The fee for hospital construction projects with an estimated construction cost of \$250,000 or more is 1.64 percent of the estimated construction cost.
  - A. For projects under \$250,000, the fee is 2.0 percent of the estimated construction cost.
  - B. The Office shall charge actual costs for review and approval of seismic evaluations and compliance plans prepared pursuant to Article 8, Chapter 1, Part 7, Division 107, (commencing with Section 130000) of the Health and Safety Code. Total cost paid for these review services shall be nonrefundable.
2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost.
3. The minimum filing fee shall be \$250.00. This filing fee is nonrefundable.
4. The estimated construction cost for a project shall be determined as follows:
  - A. An applicant shall submit the estimated cost of construction for a project as part of the project application. Applicants for projects with an estimated construction cost greater than \$20 million, and any others as requested by the Office, shall submit justification of the estimated construction costs as part of the project application.
  - B. In the event that the Office believes that a project's estimated construction cost may be inaccurate or undervalued, the Office may request that the applicant provide supplemental documentation to substantiate the estimated construction cost. The documentation may include, but is not limited to, design estimates, construction contracts, bid estimates, and/or budget estimates.
  - C. If, upon review, the Office determines that reasonable grounds exist to find that the estimated construction cost is underestimated or undervalued, the

Office will provide the applicant in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the estimated construction cost is made.

- D. The Office will make a final determination as to the validity of the estimated construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental documentation provided by the applicant.
  - E. In the event the Office makes a final determination that the estimated construction cost is underestimated or undervalued, the Office may deem the application incomplete and deny the project application until the applicant either: (a) revises the estimated construction cost to the Office's reasonable satisfaction, or (b) produces further documentation to substantiate the estimated construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the applicant in writing and may be appealed to a Hearing Officer consistent with Article 5.5.
5. Upon receipt of an application, the Office will calculate the fee for the proposed project or process and send an invoice to the applicant for the required fee amount. Payment is due within thirty (30) days of receipt of the invoice. A project application is incomplete until payment in full is received by the Office for the invoiced fee amount.
  6. The Office may, but is not required to, provide plan review, field observation and other services for projects or processes with incomplete applications. The Office may, at its discretion, cease work on any project or process until the relevant application is deemed complete. The Office may, at its discretion, prioritize projects or processes with complete applications before projects or processes with incomplete applications, and may allocate resources for the plan review or process based upon the date that each respective application is deemed complete.
- If the Office, as a courtesy, provides plan review, field observation or other services for a project or process with an incomplete application, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes with incomplete applications until the applications in question are deemed complete; and/or (c) pursue any and all legal remedies for collection of monies owed.
7. Upon completion of all work in accordance with the approved construction documents and receipt of all required verified compliance reports and testing and inspection reports, the Office will grant final approval of the work when all remaining fees based on the actual construction cost, if any, have been paid to the Office. The actual construction cost for a project shall be determined as follows:

- A. The hospital governing board or authority shall submit the actual construction cost for a project as part of the final approval of the work.
- B. In the event that the Office believes that a project's actual construction cost may be understated, the Office may request that the hospital governing board or authority provide supplemental documentation to substantiate the actual construction cost. This supplemental information may include, but is not limited to, executed construction contracts, paid invoices, approved change orders, cancelled checks, etc.
- C. If, upon review of the supplemental information, the Office determines that reasonable grounds exist to find that the actual construction cost is understated, the Office may provide the hospital governing board or authority in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the actual construction cost is made.
- D. The Office will make a final determination as to the validity of the actual construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental information provided by the hospital governing board or authority.
- E. In the event that the Office makes a final determination that the actual construction cost is understated, the Office may deem the project as noncompliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act until the hospital governing board or authority either: (a) revises the actual construction cost to the Office's reasonable satisfaction, or (b) produces further supplemental information to substantiate the actual construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the hospital governing board or authority in writing and may be appealed to a Hearing Officer consistent with Article 5.5.

The Office may, but is not required to, provide a final construction inspection, field observation, issue a certificate of occupancy or other services for projects or processes for which all fees have not been paid. The Office may, at its discretion, cease work on any project or process until all remaining fees have been paid to the Office's satisfaction in accordance with Section 7-155. The Office may, at its discretion, prioritize projects or processes for which all remaining fees have been paid, before projects or processes for which outstanding fees are owed the Office and may allocate resources for its services based upon the date that all outstanding fees for each respective project or process has been paid to the Office's satisfaction.

If the Office, as a courtesy, provides a final construction inspection, field observation, certificate of occupancy, or other services for a project or process for which remaining fees have not been paid, it shall not be deemed a waiver of the Office's right to: (a) cease or

postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes in noncompliance until the remaining fees have been paid to the Office's satisfaction; and/or (c) pursue any and all legal remedies for collection of monies owed.

(b) The fee for submitting an amended seismic evaluation report or compliance plan is \$250. The fee for review and approval of the amended report or compliance plan shall be subject to Section 7-133(a)1A above.

(c) The fee for submitting an application for extension to seismic compliance is \$250. The fee for review and approval or granting of a seismic extension shall be subject to Section 7-133(a)1A above.

(d) **Preliminary review.** The fee for review of preliminary plans and outline specifications pursuant to Section 7-121 is 10 percent of the fee indicated in Section 7-133(a) and shall be due upon the submission of preliminary plans and outline specifications. The preliminary review fee is nonrefundable and shall be deducted from the application fee specified in Section 7-133(a).

(e) **Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is based upon the estimated construction cost of each increment, as calculated in accordance with Section 7-133(a), and shall be due upon the first submission of the construction documents of each construction increment. The final fee shall be based upon the determination of the final actual construction cost of all increments in accordance with Section 7-133(a).

(f) **Annual permit for hospital projects.** A hospital may choose to apply for an annual permit for one or more small projects of \$50,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$500.00 is due upon submittal of the annual permit and is in lieu of an application filing fee specified in (a) of this Section.

(g) **Annual permit for skilled nursing facility projects.** A skilled nursing facility may choose to apply for an annual permit for one or more small projects of \$25,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$250.00 is due upon submittal of the annual permit and is in lieu of an application filing fee, as specified in (a) of this Section.

(h) **Integrated review submittal.**

1. The fee for integrated review and approval pursuant to Section 7-130 shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133(a) 4 through 7. A nonrefundable fee of 10 percent of the fee shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or fees pursuant to Section 7-133(e) for incremental reviews.

(i) **Geotechnical/Geohazard reports.** The nonrefundable fee for review of a geotechnical/geohazard report shall be \$5,000.00.

(j) **Deferral of fee payment for disaster-related projects.**

1. A health facility may request to defer payment of the filing fee, as described in this section, for up to one year, for a construction or alteration project to repair damage resulting from an event which the governor has declared as a disaster. The request for payment deferral must be submitted to the Office, in writing, and accompany the application for plan review. The request may be on a form, as provided by the Office, or other written format and shall identify the facility name, project number, estimated construction cost and shall certify to the following:
  - A. The repair project is necessary due to damage sustained by the [name of the specified event] which was declared to be a disaster by the governor on [date of the declaration].
  - B. The facility cannot presently afford to pay the filing fee.
  - C. On [date of application], the health facility applied for federal disaster relief from the Federal Emergency Agency (FEMA) with respect to the disaster identified in this request.
  - D. The facility expects to receive financial assistance within one year of the date of the application for disaster relief.

Payment deferral requests shall be signed by the health facility's chief executive officer or chief financial officer.
2. Within ten business days of receipt of a facility's payment deferral request, the facility will be given written notice by the deputy director either approving or denying the deferral of the project plan review fee. Incomplete requests will be returned to the facility by facsimile within five business days, accompanied by a statement describing what is needed for the request to be complete.
3. If the deferral request is denied by the deputy director, the health facility may appeal this decision to the director of the Office. The appellant must submit a written appeal to the Office within ten business days of receipt of the denial. If an appeal is not received by the Office within the ten business days, the project will be returned to the health facility as incomplete.
4. The plan review fees deferred under this section shall be due and paid in full by the applicant facility within one year from the date of the Office's approval of the project plans. Failure to submit the deferred fee payment will result in an offset against any amount owed by the state to the health facility.

(k) **Seismic examination.** The Office shall charge actual costs for the seismic examination of the condition of a hospital building upon written request to the Office by the governing board or authority of any hospital, pursuant to Section 129835 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each application pur-

suant to Health and Safety Code Section 129785(a). The total cost paid for these services shall be nonrefundable.

(l) **OSHPD Special Seismic Certification preapproval (OSP).** The Office shall charge for actual review time of new and renewal OSPs at prevailing hourly rates applicable for the review personnel. In addition, the minimum filing fee of \$250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(m) **OSHPD Preapproval of Manufacturer's Certification (OPM).** The Office shall charge for actual review time of the OPM at prevailing hourly rates applicable for the review personnel, pursuant to Section 129895 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(n) **Work performed without a permit.** Fees associated with examination, plan review, and construction observation for construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, shall be determined in accordance with Section 7-128(d).

(o) **SPC-1 hospital building seismic compliance extensions.** The Office shall charge actual costs to cover the review and verification of the extension documents submitted, pursuant to Section 130060(g) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(p) **Alternate Method of Compliance.** The fee for an Alternate Method of Compliance/Protection (AMC) application is \$250.00. In addition, the Office shall charge actual costs for review of AMCs involving examination on the condition of any hospital building, including but not limited to review for equivalency to the California Building Standards Code. The total cost paid for these services shall be nonrefundable.

(q) **Amended construction documents.** The fee for submittal and review of Amended Construction Documents shall be as follows:

1. **Additional costs.** The minimum filing fee for Amended Construction Documents which result in additional construction costs shall be \$250.00.
2. **Cost reductions.** The minimum filing fee for Amended Construction Documents with cost reductions or no cost shall be \$500.00. The Office shall charge actual costs for review and approval. Total cost paid for these review services shall be nonrefundable.
3. **Review by examination.** The filing fee for Amended Construction Documents with a change in scope, as defined in Section 7-153(d) exception, shall be \$250.00. In addition, the Office shall charge actual costs associated with the examination and review of such documents.

The filing fees established in this subsection are nonrefundable.

(r) **Projects with no construction.** The Office shall charge actual costs for the review of projects that do not have any construction. In addition, the minimum filing fee of

\$250.00 shall apply to each application pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129785 and 129850.

**HISTORY:**

1. (OSHDP 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-133. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHDP/EF 1/91) Emergency order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 25, 1991; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on September 20, 1991.
3. (OSHDP/EF 1/91) Permanent order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state February 25, 1992; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on February 24, 1992.

**7-134. Fee refund**

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written refund request must be submitted to the Office within:
  - a. One year from the date that a Certificate of Occupancy or a Certificate of Substantial Compliance is issued by the office,
  - b. One year from the date the project is withdrawn by the applicant, or
  - c. One year from the date when an application may become void, based on the requirements of Section 7-129, Time Limitations for Approval.
2. No refund shall be issued before the date the project is closed or withdrawn or the application is voided.
3. If delinquent fees are owed to the Office for any health facility construction project at the subject facility, no refund shall be issued until the delinquent fees are paid.
4. Refunds, pursuant to Section 7-134, shall be exclusive of the \$250 filing fee.
5. Refunds shall be calculated pursuant to Sections 7-134 (b) or (c).

(b) Refunds for projects that are completed. If the estimated construction cost of a project exceeds the actual construction cost by more than five percent (5%), the excess portion of the fees paid pursuant to Section 7-133(a)(1) or (2) shall be refunded to the applicant health facility. The refund amount shall be computed based on the amount by which the estimated cost exceeds the actual construction cost.

**Exception:** The Office will not issue a refund if the applicant did not complete construction of at least 75% of the square footage included in the original approved construction documents for the project, or if the applicant reduces the scope of the project shown on the original approved plans by more than 25%.

(c) Refunds for projects that are withdrawn or cancelled. A portion of the fees paid to the Office, pursuant to Section 7-133, may be refunded to the applicant under the following specified circumstances:

1. If the applicant withdraws a project prior to commencement of plan review, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.
2. If the applicant withdraws a project after commencement of plan review and prior to commencement of construction, 30% of the fee submitted for that project shall be refunded to the applicant.
3. If the applicant cancels a project after commencement of construction, the Office shall not issue a refund.
4. If a project submitted under an annual permit is withdrawn by the applicant, the \$250 filing fee shall not be refunded by the Office.
5. If fees are paid for a project that is determined by the Office to be exempt from the plan review process or otherwise not reviewable under the Office's jurisdiction, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.

(d) If the applicant is able to demonstrate extraordinary circumstances, the Director of the Office may authorize refunds in addition to those specified above.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129785.

## ARTICLE 4 CONSTRUCTION

### 7-135. Time of beginning construction.

(a) Construction shall not commence until the health facility has applied for and obtained from the Office:

1. Written approval of the construction documents.
2. A building permit.
3. Written acceptance of the testing, inspection and observation program.
4. Written approval of the inspector of record for the project pursuant to Section 7-212(a).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHDP 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-135. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

### 7-136. Reserved.

### 7-137. Notice of start of construction.

(a) As soon as a contract has been awarded, the governing board or authority of the health facility shall provide to the Office, on a form provided by the Office, the following:

1. Name and address of the contractor.
2. Contract price.
3. Date on which contract was awarded.

## 4. Date of construction start.

**Authority:** Health and Safety Code Sections 127015, 129785 and 129850; and Government Code, Section 11152.

**Reference:** Health and Safety Code Section 129785.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-137. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

## || 7-138. Reserved.

**7-139. Notice of suspension of construction.**

(a) When construction is suspended for more than two weeks, the governing board or authority of the hospital shall notify the Office in writing.

(b) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. The Office may reinstate the approval as described in Section 7-129(c).

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-139. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

## || 7-140. Reserved.

**7-141. Administration of construction.**

(a) The administration of the work of construction, including the testing, inspection and observation program, shall be under the responsible charge of an architect and structural engineer. When a structural engineer is not substantially involved, the architect shall be solely responsible. Where neither structural nor architectural elements are substantially involved, a mechanical or electrical engineer registered in the branch of engineering most applicable to the project may be in responsible charge.

(b) All architects and engineers to whom responsibility has been delegated for preparation of construction documents as listed on the application shall observe the work of construction for their portion of the project. They shall consult with the architect or engineer in responsible charge in the interpretation of the approved construction documents, the preparation of changes to the approved construction documents and deferred submittals and the selection of approved agencies.

(c) The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as alternate(s) for observation of the work of construction provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

(d) The architect and/or engineer in responsible charge of the work shall prepare and administer a testing, inspection and observation program which shall be submitted to the Office for approval prior to the issuance of the building permit.

(e) The testing program shall identify materials and tests to be performed on the project. The approved agency and/or

individual(s) to perform each of the required tests shall also be identified. The testing program shall include, at a minimum, those tests required by applicable sections of the *California Building Standards Code*.

(f) The inspection program shall include a completed application for inspector(s) of record for the project. If a project has more than one inspector of record, the distribution of responsibilities for the work shall be clearly identified for each inspector of record.

(g) The inspection program shall also identify all special inspections to be performed on the project along with approved agency and the individual(s) to perform the inspections. The special inspections shall include, at a minimum, those special inspections required by applicable sections of the *California Building Standards Code*.

(h) The observation program shall identify each design professional that must, through personal knowledge as defined in Section 7-151, verify that the work is in compliance with the approved construction documents.

(i) The design professionals, contractor or owner/builder, approved agency, and the inspector(s) of record shall verify that the work is in compliance with the approved construction documents in accordance with the requirements for personal knowledge as it applies to each participant. The program shall give specific intervals or project milestones at which such reporting is to occur for each affected participant. Each required observation report shall be documented by a Verified Compliance Report form prepared by each participant and submitted to the Office.

(j) The Testing Inspection and Observation (TIO) program shall specify the manner, frequency, duration and reporting of the testing, inspection, and observation of work performed away from the site.

(k) The testing, inspection and observation program shall include samples of test and inspection reports and provide time limits for the submission of reports.

**Exception:** Samples of test and inspection reports shall not be required when tests and special inspections are performed by an OSHPD Preapproved Agency (OPAA).

(l) All completed test and inspection reports shall be submitted to the inspector of record, the owner and the architect or engineer in responsible charge by the author of the report.

(m) Changes to the testing, inspection and observation program made subsequent to approval by the office shall be submitted to the office in accordance with Section 7-153.

**Authority:** Health and Safety Code Sections 129825 and 129675-130070.

**Reference:** Health and Safety Code Sections 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-141. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-142. Reserved.****7-143. Responsibility of the contractor.**

(a) The contractor shall complete the work in accordance with the approved construction documents. The contractor



shall not be relieved of any responsibility by the activities of the architect, engineer, inspector or the Office in the performance of their duties.

(b) The contractor shall submit verified compliance reports to the Office in accordance with Section 7-151.

(c) Where no general contractor is involved, the governing body or authority of a health facility shall designate an agent who shall be responsible for the construction of the project in accordance with the approved contract documents and such agent shall submit the verified reports to the Office.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-143. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-144. Inspection.**

(a) The hospital governing board or authority shall provide for competent, adequate and continuous inspection by one or more Inspector(s) of Record (IOR) satisfactory to the architect or structural engineer or both, in responsible charge of the work, or the engineer in responsible charge of the work and the Office. An Inspector of Record associated with a project shall not have any current employment relationship with any entity which is a contracting party for the construction of the project or providing any services for the hospital other than those required of an IOR.

(b) Inspectors of Record are prohibited from any project activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.

(c) The Inspector of Record shall be capable of performing all essential inspection functions of the job.

(d) When the hospital governing board or authority proposes more than one IOR for a construction project, a lead IOR shall be identified to coordinate construction inspection and communication with the Office. The lead IOR must be allocated the majority of their time on project inspection responsibilities that are identified in the IOR responsibility matrix of the approved TIO Program. The lead IOR approved for the project must be present on site to obtain personal knowledge, to ensure continuous inspection, to coordinate the inspection responsibilities of additional IORs, and to verify that all required documentation is being maintained on site during the construction of the project, inclusive of the coordination of special inspectors, testing, and project-specific approved testing agencies. The employment of special inspectors or assistant inspectors shall not be construed as relieving the Inspector of Record of his or her duties and responsibilities.

(e) IOR(s) for a hospital construction project shall be approved by the Office in accordance with the provisions of Section 7-212.

**Authority:** Health and Safety Code Sections 18929 and 129675 - 130070.

**Reference:** Health and Safety Code Section 129825.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-144. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

2. (OSHPD 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-144, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

**7-145. Continuous inspection of the work.**

(a) The general duties of the IOR shall be as follows:

1. The IOR shall have personal knowledge, obtained by continuous inspection of all parts of the work of construction in all stages of its progress to ensure that the work is in accordance with the approved construction documents.
2. Continuous inspection means complete inspection of every part of the work. Work, such as concrete or masonry work which can be inspected only as it is placed or assembled, shall require the constant presence of the IOR. Other types of work which can be completely inspected after the work is installed may be carried on while the IOR is not present. In no case shall the IOR have or assume any duties which will prevent continuous inspection.
3. The IOR shall work under the direction of the architect or engineer in responsible charge. All inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or engineer in responsible charge for interpretation and instructions. In no case, however, shall the instructions of the architect or engineer in responsible charge be construed to cause work to be done which is not in conformity with the approved construction documents.
4. The IOR shall maintain a file of approved construction documents on the job at all times including all reports of tests and inspections required by the construction documents and shall immediately return any unapproved documents to the architect or engineer in responsible charge for proper action. The IOR shall also maintain on the job at all times, all codes and regulations referred to in the approved construction documents.
5. The IOR shall notify the Office in writing:
  - A. When the work is started or resumed on the project.
  - B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
  - C. At least 48 hours in advance of the first placing of concrete.
  - D. When work has been suspended for a period of more than two weeks.
6. The IOR(s) shall maintain field records of construction progress for each day or any portion of a day that they are present at the project site location. The field record shall state the time of arrival, time of departure, a summary of work in progress and noted deficiencies in the construction or deviations from the approved construction documents. The field record shall document the time

and date of all significant correspondence with the contractor regarding incomplete work, potential deficiencies or deviations which require the contractor's attention and could potentially affect the timely and compliant completion of the project. This field record shall document the date, time and method of correction for any noted deficiencies or deviations. In addition, this record shall contain the following as applicable:

- A. Copies of all certificates, tags, marks or other evidence of material properties and/or manufactured components as required by the California Building Standards Code.
  - B. The time and date of placing concrete; time and date of removal of forms and shoring in each portion of the structure; location of defective concrete; and time, date and method of correction of defects.
  - C. Identification marks of welders, lists of defective welds, and manner of correction of defects and other related events.
  - D. A list of test reports of all nonconforming materials or defective workmanship and shall indicate the corrective actions taken.
  - E. The names and certificate numbers (when applicable) of all special inspectors who perform work both on- and off-site.
  - F. When driven piles are used for foundations, the location, length and penetration under the last ten blows for each pile. It shall also include a description of the characteristics of the pile driving equipment.
  - G. The log of changes to the work prepared by the architect or engineer in responsible charge required by Section 7-153(e).
7. Field records may be kept electronically. All field records of construction progress shall be retained on the job until the completion of the work and shall, upon request, be made available to the Office, the architect or engineer in responsible charge and the owner. Electronic records may be retained off-site if made available during on-site and remote review of documents. Upon completion of the project, these original field records shall be submitted to the hospital governing board or authority.

(b) The IOR shall notify the contractor, in writing, of any deviations from the approved construction documents or new construction not in compliance with the *California Building Standards Code*, which have not been immediately corrected by the contractor. Copies of such notice shall be forwarded immediately to the architect or engineer in responsible charge, owner and to the Office.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-145. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-146. Reserved.**

**7-147. Observation by the Office.**

(a) During the construction, of any health facility, the Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*.

Whenever the Office finds a violation of these regulations and/or applicable parts of the *California Building Standards Code* that requires correction, the citation of the violation shall be issued to the hospital governing board or authority in writing and shall include a proper reference to the regulation or statute being violated.

**Authority:** Health and Safety Code Sections 127015, 129825 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-147. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-148. Reserved.**

**7-149. Tests.**

(a) Pursuant to Section 7-141, the architect or engineer in responsible charge shall establish and administer the testing program. Where job conditions warrant, the architect and/or engineer may waive certain specified tests contingent upon the approval of the Office. The Office shall be notified as to the disposition of materials noted on laboratory reports. One copy of all test reports shall be forwarded to the inspector of record, owner and the architect or engineer in responsible charge by the testing agency. The reports shall state definitely whether the material tested complies with the approved construction documents.

(b) The governing board or authority of a health facility shall select an approved agency to conduct the tests. The selected approved agency shall be acceptable to the architect or engineer in responsible charge. The governing board or authority shall pay for all tests.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-149. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-150. Reserved.**

**7-151. Verified compliance reports.**

(a) In accordance with Section 7-151(f), or when required by the Office, the architect(s), engineers(s), inspector(s) of record (IORs), approved agency, special inspector(s) and contractor or owner/builder shall each submit to the Office a verified compliance report, with their signature and based on their own personal knowledge, as defined by this section. The report shall:

1. Verify that the work during the period, or a portion of the work, covered by the report has been performed and

materials used and installed are in accordance with the construction documents.

2. Set forth detailed statements of fact as are required by the Office.

(b) Personal knowledge as applied to the licensed architect or engineer or both, shall be in accordance with Health and Safety Code (H&SC) Section 129830. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(c) Personal knowledge as applied to the IOR, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the inspector. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(d) Personal knowledge as applied to the contractor, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the contractor.

(e) Personal knowledge, as applied to the approved agency, means the knowledge that is obtained from testing, special inspections and reports prepared in accordance with the CBC Section 1704.2.4 or 1704A.2.4 and these regulations.

(f) Verified compliance reports shall be submitted to the Office at the intervals or stages of the work as stated in the approved testing, inspection and observation program. In no case shall the submittal of verified compliance reports be less than:

1. One copy prepared and signed by each required participant or discipline at the completion of the work.
2. One copy prepared and signed by any participant or discipline at any time a special verified compliance report is required by the Office.

(g) The architect or engineer in responsible charge of the work shall be responsible for ensuring all required verified compliance reports are submitted to the Office.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

#### **HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-151. Filed with the secretary of state on August 4, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

#### **7-152. Replacement of an architect, engineer, inspector of record, approved agency, special inspector or contractor.**

(a) When replacing any of the listed individuals and/or approved agency the following shall be submitted to the Office:

1. Prior to plan approval
  - A. Revised application(s) listing the new responsible individual(s) and/or approved agency.
2. Following construction document approval
  - A. Revised application(s) listing the new responsible individual(s) and/or approved agency.

- B. An initial report, prepared by the new responsible individual(s) and/or approved agency, based on field observation(s) that the work performed and materials used and installed to date are in accordance with the project's construction documents. Any observed issues of nonconformance shall be listed in the report. The new individual(s) and/or approved agency shall be responsible for verification of project compliance, pursuant to Section 7-151, for the remainder of the project.
- C. A final verified report from the individual(s) and/or approved agency being replaced.

**Exception to (C):** In the event that the individual(s) and/or approved agency being replaced refuse to, or cannot provide a final verified report, the owner shall submit a letter to the Office verifying that the work performed and materials used and installed are in accordance with the project's construction documents. The letter shall also list the reason the verified report could not be obtained.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-153. Changes to the approved work.**

(a) **Changes in the work.** Work shall be executed in substantial conformance with the construction documents approved by the Office. Changes in the work shall be made by amended construction documents approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions. Only changes that materially alter the work shall be submitted to the Office for review and approval as amended construction documents.

1. **Amended construction documents.** Changes or alterations of the approved construction documents shall be made by means of amended construction documents. Amended construction documents shall be submitted with a form provided by the Office and shall state the reason for the change and show the estimated or actual addition to or deduction from the current, estimated or actual, contract amount. The form shall be signed by the architect or engineer, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. All changes shall be clearly described. The form and construction documents shall be submitted for review and approval by the Office. All amended construction documents shall be approved by the Office prior to installation of the work.

2. **Emergencies.** Emergency changes in the work relating to the safety of persons at the construction site may be made immediately. Such emergency changes shall be documented by subsequent amended construction documents and may require modification to comply with these regulations.

(b) **Changes that do not materially alter the work.** The following types of changes in the work do not materially alter the work and do not require the submission of amended construction documents to the Office:

1. Clarification and interpretation of plans and specifications by the responsible design professional.

**Note:** If calculations by the structural engineer in responsible charge, or by the delegated structural engineer, are necessary to determine structural or nonstructural adequacy, an amended construction document submittal must be made to the Office for review.

2. Construction means and methods, such as construction sequencing, coordination of the work, and methods of assembly/construction. Construction means and methods do not include work that would require Alternate Method of Compliance or an Alternate Means of Protection.

**Note:** Temporary construction, such as temporary exiting, temporary air handlers, temporary bulk oxygen tanks, or temporary shoring supporting an occupied building under Office jurisdiction are not considered means and methods and thus would require a separate permit or the submittal of an amended construction document to the Office for review.

3. Substitution of equipment, products, or materials. The equipment, product or material substituted must be code compliant; perform the same function as the equipment, product, or material that it is replacing; must not increase the mechanical or electrical loads to the building systems; must not increase loads to lateral or gravity load-bearing structural frame members; and must meet the design requirements for the project.

**Note:** Changing from one kind of equipment, product or material to another, such as changing from drilled-in concrete anchors to concrete screw anchors or changing the top-of-wall fire-resistive material/design are not considered substitutions and require the submittal of an amended construction document to the Office for review. If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an amended construction document must be submitted to the Office for review.

4. New details that are referenced standards or preapproved details or based on other approved referenced standards or preapproved details. Reference to the approved details must be shown.
5. Final routing configurations of ducts, conduits, pipes, etc., where these are shown diagrammatically on the approved plans.

**Note:** Submittal of an amended construction document will be required when additional fire/smoke dampers, non pre-approved seismic fittings, or specially engineered braces or hangers are necessary to accommodate the final configuration or routing.

6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.

**Note:** Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by Office field staff.

7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., that do not require additional changes to the work to make the relocation code compliant.
8. Relocation or reconfiguration of cabinetry that does not affect code required minimum dimensions and clearances, minimum room or space requirements, or minimum storage requirements. Such cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing.

**Note:** Applicable code sections and minimum dimensions and space requirements must be shown on plans for confirmation by Office field staff.

If the architect or engineer in responsible charge of a project determines that changes to the approved construction documents are necessary that do not materially alter the work, all such changes shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115. All changes in the work are subject to concurrence of the Office field staff as to whether or not the change materially alters the work.

(c) **Code compliance.** Changes in the work that do not require amended construction documents shall not be deemed to grant authorization for any work to be done in violation of the provisions of any applicable code.

(d) **Changes in scope.** Amended construction documents that change the scope of the original project shall be required to be submitted as a separate project.

**Exception:** At the discretion of the Office, changes in scope may be submitted as amended construction documents. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3).

(e) **Documentation of changes.** The architect or engineer in responsible charge shall maintain a log of all changes to the work of construction. The log shall indicate whether the Office has made a determination as to whether each change materially alters the work, the date such determination was made, and the name of the Office staff who made the determination. The log shall be maintained on the project site as part of the inspector's field records.

**Authority:** Health and Safety Code Sections 18929 and 129675-130070.

**Reference:** Health and Safety Code Sections 129850.

#### **HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-153. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-153, of Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved by the California Building Standards Commission on February 6, 1997.

**7-154. Reserved.****7-155. Final approval of the work.**

(a) The Office shall schedule a final state agency review of the work subsequent to the receipt of the responsible architect's or engineer's statement that the contract is performed or substantially performed.

(b) The final approval of the construction shall be issued by the Office when:

1. All work has been completed in accordance with the approved construction documents.
2. The required verified compliance reports and test and inspection reports have been filed with the Office.
3. All remaining fees have been paid to the Office.

(c) Final approval shall be confirmed by a letter sent to the Department of Public Health with a copy to the applicant. The letter shall state that the work has been constructed in accordance with the *California Building Standards Code*, Title 24, California Code of Regulations.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-155. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-156. Certification of correctional treatment centers.**

(a) Construction documents prepared by or under the supervision of the Department of Corrections and Rehabilitation for the new construction, reconstruction, alteration or addition of any hospital building and/or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the Department of Corrections and Rehabilitation. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical, and fire and life safety.

The Department of Corrections and Rehabilitation shall use a secondary peer review procedure to review the design of new construction, reconstruction, alteration or addition in order to ensure that the construction documents are in compliance with the building standards of Title 24, Parts 2, 3, 4, 5 and 9. The secondary peer review shall be performed by a California licensed architect, structural engineer, mechanical engineer and electrical engineer, as applicable.

Upon completion of construction, a written certification signed by the Director or designee of the Department of Corrections and Rehabilitation shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9;
3. Certification that a secondary peer review has been completed and the peer review indicates that the design for new construction, reconstruction, alteration or addi-

tion to the facility adheres to all building standards of Title 24, Parts 2, 3, 4, 5 and 9;

4. Certification that construction inspection was performed by a competent on-site inspector and that all work was completed in accordance with the complying construction documents; and
5. Attachments which include the final as-built construction documents.

(b) Construction documents prepared by or under the supervision of a city, county or city and county law enforcement agency for the new construction, reconstruction, alteration or addition of any hospital building and/or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the law enforcement agency. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical and fire and life safety.

Upon completion of construction a written certification signed by the law enforcement agency head or designee shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9; and
3. Attachments which include the final as-built construction documents.

**Authority:** Health and Safety Code Sections 1275, 127010, 127015, 129790 and 129850.

**Reference:** Health and Safety Code Section 15076.

**HISTORY:**

1. (OSHPD 2/96) 1996 Annual Code Adoption Cycle will add Section 7-156, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997: effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

**7-157. Records. (Deleted)****HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to delete Section 7-157. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-158. Reserved.**

## ARTICLE 5 APPEALS TO THE HOSPITAL BUILDING SAFETY BOARD

**7-159. Grounds for appeal.**

(a) The Hospital Building Safety Board shall act as a board of appeals in the following:

1. All matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Health and Safety Code Section 18945.

2. Matters relating to all fire and panic safety regulations and alternate means of protection determinations for health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6.
3. Explicitly enumerated matters identified in Health and Safety Code Sections 130060, 130061, and 130064 of the Health and Safety Code.

Only those matters identified in this section shall be appealable to the Hospital Building Safety Board. An appeal pursuant to this section may be made only by the current or prospective licensee of a health facility or their authorized agent, hereafter known as the appellant.

(b) Appeals made pursuant to this section shall be considered by the Hospital Building Safety Board only following the completion of the Comment and Process Review, held in accordance with Section 7-161.

#### **7-161. Comment and Process Review (CPR).**

(a) **First Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office in a matter listed in Section 7-159(a), the appellant must first seek to resolve the issue informally with the original decision maker.

(b) **Second Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office following First Level Review as described in (a) of this section, the appellant may submit a request for Second Level Review to the immediate supervisor of the original decision maker. A request for Second Level Review must be submitted in writing within ten (10) calendar days of issuance of the initial ruling, order, decision or act, and must include the following:

1. The name, mailing or e-mail address, and telephone number of appellant;
2. Identification of the specific ruling, order, decision or act to be reviewed;
3. The reason for the requested review;
4. Specific aspects of the decision with which the appellant disagrees and a proposal of alternatives the appellant would like for the reviewer to consider; and
5. Copies of any documents or data the appellant believes support the appellant's case or that the appellant believes would assist the reviewer.

(c) **Third Level Review.** In the event that the appellant disagrees with a determination made pursuant to (b) of this section, or in the event that the Second Level Reviewer does not issue to the appellant a response to the request for Second Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Third Level Review by submitting in writing the information described in Section 7-161(b)(1)–(5) to the Deputy Division Chief.

(d) **Fourth Level Review.** In the event that the appellant disagrees with a determination made pursuant to (c) of this section, or in the event that the Third Level Reviewer does not issue to the appellant a response to the request for Third Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Fourth

Level Review by submitting in writing the information described in Section 7-161(b)(1)–(5) to the Deputy Director. The Deputy Director shall provide the appellant with the written notice of his or her final determination.

(e) In the event that the appellant disagrees with the final determination of the Deputy Director pursuant to (d) of this section, or in the event that the Deputy Director does not issue to the appellant a response to the request for Fourth Level Review within ten (10) calendar days of submission of the request, appellant may request a formal hearing before the Hospital Building Safety Board pursuant to Section 7-163.

#### **7-163. Formal hearing request.**

Consistent with Section 7-159 and upon completion of the Comment Process Review procedure identified in Section 7-161, the appellant may appeal the final determination of the Deputy Director to the Hospital Building Safety Board. To request a formal hearing, the appellant shall submit a written request for appeal containing the information described in Section 7-161(b)(1)–(5) to the Hospital Building Safety Board through the Office within fifteen (15) calendar days of issuance of the Deputy Director's final determination pursuant to Section 7-161(d). Any request for appeal received by the Office more than fifteen (15) calendar days after issuance of the Deputy Director's final determination pursuant to Section 7-161(d) may be considered at the discretion of the Office.

#### **7-165. Formal hearing.**

(a) The Hospital Building Safety Board shall act as the hearing body for appeals submitted pursuant to Section 7-163 and shall conduct a public hearing on the appeal.

(b) The Chair of the Hospital Building Safety Board shall call a hearing on an appeal. The hearing shall be convened at a location selected by the Chair.

(c) The hearing shall be held within forty-five (45) calendar days of receipt by the Office of the written request for appeal described in Section 7-163. The parties to the appeal shall be notified in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the request for appeal.

(d) At least three (3) voting members of the Board shall be present at the hearing. The decision shall bear the endorsement of a simple majority of the Board members present.

(e) The proceedings shall be recorded. Transcripts shall be made available to anyone making a request therefor upon deposit with the Hospital Building Safety Board of the amount of money which the Office has determined necessary to cover the costs of transcript preparation.

(f) The appellant may, at his or her own expense, arrange for stenographic recording and transcription of the hearings.

#### **7-167. Rights of the appellant.**

The appellant shall have the right to counsel, to submit documentary evidence and exhibits, to present and rebut evidence, to have witnesses appear and testify, and to question representatives of the Office and other witnesses presenting testi-

**L. Emergency.** When the director makes a finding that the public health, safety or welfare would be adversely affected in a significant way because insufficient time exists within which to implement the foregoing procedure to secure necessary services, the director may negotiate a contract for such services without the necessity of following such procedure, or any part thereof.

**Authority:** Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

**Reference:** Government Code Section 4526.

**M. Unlawful considerations.** Each contract shall include a provision by which the firm or local government entity warrants that the contract was not obtained or secured through rebates, kickbacks or other unlawful considerations either promised or paid to any Office employee. Failure to adhere to this warranty may be cause for contract termination and recovery of damages under the rights and remedies due the Office under the default provision of the contract.

**Authority:** Government Code Section 4526.

**Reference:** Government Code Section 4526.

**N. Prohibited relationships.** No Office employee who participates in the evaluation or selection process leading to award of a contract shall have a relationship with any of the firms or local government entity seeking that contract, if that relationship is subject to the prohibition of Government Code Section 87100.

**Authority:** Government Code Section 4526.

**Reference:** Government Code Sections 4526, 87100 and 87102.

#### **HISTORY:**

1. (OSHDP 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-191. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHDP/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
3. (OSHDP/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

## **ARTICLE 7 TESTING AND INSPECTION**

Testing and inspection requirements are found in the *California Building Standards Code*.

## **ARTICLE 8 CALIFORNIA BUILDING STANDARDS**

Architectural, mechanical, electrical, structural, and fire and life safety and accessibility standards are found in the *California Building Standards Code*.

## **ARTICLE 19 CERTIFICATION AND APPROVAL OF HOSPITAL INSPECTORS**

### **7-200. Administration of hospital inspector examination and certification.**

(a) The Office shall test and certify inspectors in one or more of the following classes:

1. Class "A" Hospital Inspector may inspect all areas of construction, including: architectural, mechanical, plumbing, electrical, fire and life safety, and structural elements.
2. Class "B" Hospital Inspector may inspect only the following areas of construction: architectural, mechanical, plumbing, electrical, fire and life safety, and anchorage of nonstructural elements.
3. Class "C" Hospital Inspector may inspect one or more areas of construction specialty, including but not limited to the areas listed in Section 7-204(c)l, but may not inspect the complete scope of construction authorized for "A" or "B" inspectors.

(b) In order to be certified in and perform the scope of responsibilities of a hospital inspector as specified in paragraph (a) (1), (2) or (3), an individual must be successful in the examination for that classification.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

**7-201. Contact with office.** All correspondence, applications and remittances related to the certification or recertification of Hospital Inspector shall be directed to the Department of Health Care Access and Information, Office of Statewide Hospital Planning and Development, Hospital Inspector Certification Program.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**7-202. Filing change of name, address or telephone number.** An applicant for the certification examination or a Hospital Inspector possessing a valid certificate issued by the Office, shall file name, mailing address or telephone number changes with the Office in Sacramento within 10 working days of that change. The information filed shall include both the new and former name, mailing address or telephone number.

**Authority:** Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

**Reference:** Health and Safety Code Sections 129680 and 129825.

### **7-203. Applying for the certification examination.**

(a) An applicant may apply for the Hospital Inspector Certification Exam by submitting, to the Office, the following items prior to the final filing date announced for a scheduled exam:

1. A completed application, provided by the Office, shall be submitted to the Office in Sacramento and shall include the exam title, preferred examination location, applicant's name, mailing address and telephone number. An application for an examination is valid for one year commencing with the first available examination

date. If applicant has not taken an exam within that one-year period, a new application and exam fee must be submitted to participate in a future exam.

2. Certificates or transcripts indicating educational courses completed by the applicant which relate to the minimum qualifying requirements stated in Section 7-204.
3. Work verification form or letter from current and/or previous employer(s) regarding any job which meets the minimum qualifications for the certification examination and which includes the applicant's name, dates of employment, job description and employer's signature.
4. An "Application Review Fee" in the amount specified on a certification examination announcement for a scheduled exam and pursuant to Section 7-206.

(b) Incomplete submittals may be rejected by the Office. The application, documents and fees will be returned to the applicant with a statement of reason for nonacceptance.

(c) Upon review, verification and evaluation of the applicant's qualifications, the Office will notify the applicant, in writing, of eligibility or ineligibility for entrance to the requested certification examination.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-204. Minimum qualification for examination.**

An applicant must meet the following criteria to be eligible to participate in the certification examination for a Class "A," "B," or "C" Hospital Inspector.

##### **(a) Minimum qualifications for Class "A" Hospital Inspector Exam:**

1. High school graduation or the equivalent and six years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings. [Note: Experience in subsection (a)1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a mechanical, electrical, or civil engineer and two years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings; or
3. Two years of satisfactory performance as a Class "B" Hospital Inspector of Record on hospital projects of significant scope and complexity as determined by OSHPD; or
4. Possess a valid California registration/license as a structural engineer or a valid California license as an architect.

##### **(b) Minimum qualifications for Class "B" Hospital Inspector Exam:**

1. High school graduation or the equivalent and four years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings. [Note: Experience in subsection (b)1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a civil engineer and two years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of more than one major structural or nonstructural system of buildings (structural, mechanical, electrical or plumbing); or
3. Possess a valid California registration/license as a structural, mechanical or electrical engineer, or a valid California license as an architect; or
4. High school graduation or the equivalent, two years' experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings, and possession of valid certification in all of the following four categories:
  - International Code Council (ICC) certification as a California Commercial Building Inspector (I1),
  - International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2),
  - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector,
  - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector.

##### **(c) Minimum qualifications for Class "C" Hospital Inspector Exam:**

1. High school graduation or the equivalent and four years experience involving commercial or institutional building projects as the representative in testing, inspection or observation of construction for an architect, engineer, owner, local building official, local fire authority, testing lab, specialty contractor or general contractor and must possess valid certification issued by an organization specified in 4 below.

[Note: Experience in subsection (c)(1) may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or

2. Possess a valid California registration/license as an engineer and two years experience involving building projects as an architect's, engineer's, owner's, local



building official's, local fire authority's, specialty contractor's or general contractor's representative in testing inspection or observation of construction and must possess at least one valid certificate issued by an organization that is listed or described in (c)(4); or

3. Possess a valid California registration/license as a civil, mechanical or electrical engineer, or a valid California license as an architect and must possess at least one valid certificate issued by an organization specified in (4).
4. In addition to the experience requirements described in (c)1, 2 or 3 above, the applicant must have certification corresponding to the Class C certification sought as follows:

Accessibility – Division of the State Architect Certification as a Certified Access Specialist (CASp)

Anchorage/Bracing of Nonstructural Components – Certification to be administered by the Office

Electrical – International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2)

Fire Alarm – National Institute for the Certification of Engineering Technologies (NICET) certification in "Fire Alarm Systems, Level III" or International Code Council (ICC) certification as a Commercial Fire Alarm Inspector (I2)

Fire Resistive Construction – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

Framing and Drywall – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

Inspection and Testing of Water Based Systems – National Institute for the Certification of Engineering Technologies (NICET) certification in "Inspection and Testing of Water Based Systems, Level III"

Mechanical – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector

Medical Gas Systems – National Inspection Testing Certification (NITC) Certification as Medical Gas Inspector 6020

Plumbing – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector

Roofing – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

In addition to the certifications listed, the Office, at its sole discretion, may accept equivalent certification by other state- or nationally-recognized organizations.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

#### 7-206. Fees.

(a) Fees required pursuant to subsection (b), shall be transmitted by credit card, money order, cashier check, certified

check or personal check, and payable to the Department of Health Care Access and Information.

(b) The prescribed fees relative to the Hospital Inspector Certification Program shall be specifically charged to the applicant to recover reasonable costs of administering the certification program. Fees shall be charged as follows:

Application review	\$100.00 (nonrefundable)
Exam for Class "A" Inspector Certification	\$300.00
Exam for Class "B" Inspector Certification	300.00
Exam for Class "C" Inspector Certification	100.00 (for each specialty certificate)
Late fee	100.00
Recertification exam	100.00
Recertification retest	100.00
Reschedule fee	100.00
Delinquency fee	100.00
Duplicate certificate	25.00

(c) An application review fee must accompany an application for a certification examination. This fee is nonrefundable.

(d) An exam fee shall be submitted by an applicant for a specified examination prior to participation in the examination.

(e) An applicant shall forfeit the exam fee if the applicant fails to appear for any portion of the exam for which the applicant is scheduled.

1. If the applicant cancels and/or reschedules their examination, the applicant shall pay a fee to reschedule their exam.

(f) If the Office has a need to reschedule an exam, a qualified applicant who has submitted the exam fee prior to the reschedule will be either reimbursed or credited for the exam fee amount.

(g) A late fee shall be submitted by the applicant if their recertification application is postmarked after the final filing date.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

#### 7-207. Examination for certification.

(a) Prior to receiving certification, the candidate shall take and pass an examination administered by the Office.

(b) The scope of the written certification examinations is as follows:

1. The examinations for Class "A" and "B" Hospital Inspectors will measure the applicant's ability to read and understand construction documents; ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The test will be divided into sections covering the following code enforcement areas of construction inspection, where applicable: structural, architectural, mechanical, electrical, fire and life safety, and administrative.
2. The examination for Class "C" Hospital Inspectors will measure the applicant's ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The candidate's inspection certification, pursuant

to Section 7-204(c)(l) above, may be substituted for the technical aspect of the written certification examination for Class “C” Hospital Inspector.

(c) In order to be successful in the Class “A,” “B” or “C” certification exam, a candidate must obtain a passing score in each section of the written exam.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-208. Conduct relative to the examination.**

(a) An applicant or candidate who participates in any of the following acts before, during or after the administration of the examination, shall be disqualified by the Office and not be eligible for certification. The applicant shall not:

1. Violate any rules of the examination.
2. Bring unauthorized reference material or electronic device(s) into the examination room.
3. Copy any portion of the exam.
4. Participate in collusion regarding the exam.
5. Disclose the contents of the examination questions to anyone other than a person authorized by the Office.
6. Solicit, accept or compile information regarding the contents of the examination.
7. Falsify documents required for exam entrance.

(b) If an applicant is disqualified from the exam, it shall result in denial of the application and forfeiture of fees submitted to the Office as specified in Section 7-206.

(c) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period of time as determined by the Office, but not less than one year from the date of disqualification.

(d) An applicant, candidate or certified hospital inspector who is determined to have violated any of the provisions of Section 7-208(a) may be subject to suspension or revocation of certification in accordance with Section 7-214.

**Authority:** Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

**Reference:** Health and Safety Code Sections 129680 and 129825.

#### **7-209. Reexamination.**

(a) A candidate who has failed an examination may participate in a reexamination no sooner than six months from the exam previously taken by the candidate. In order to participate in a reexamination, the candidate must submit an application for a reexamination accompanied by the examination fee pursuant to Section 7-206.

(b) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period as determined by the Office, but not less than a period of one year from the date of disqualification.

(c) The applicant may refile for an examination by submitting an application, documents and fees pursuant to Sections 7-203 and 7-206.

(d) A candidate who passes all sections of the Class “A” or “B” exam except one, may retest in only that section. Failure to achieve a passing score on the retested section will be con-

sidered failure of the entire exam. The candidate may apply to retake the complete exam pursuant to subsections (a) and (b).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-210. Issuance of certification.**

(a) If a candidate is successful in the certification or recertification examination, a certificate will be issued to the Hospital Inspector by the Office. Certificates will expire three years from the date of issuance with the following exception:

1. Certification may be revoked or suspended pursuant to Section 7-214.

(b) A duplicate certificate will be granted to a Hospital Inspector for replacement of an original certificate that is lost, destroyed or mutilated upon written request and payment of the duplication fee, as required in Section 7-206.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

#### **7-211. Renewal of a hospital inspector certificate.**

(a) A Hospital Inspector shall participate in a written recertification exam prior to the expiration of the certification in order to renew and maintain valid certification.

(b) To be eligible for the recertification exam, a Hospital Inspector shall maintain all certifications and prerequisites required to qualify for certification as specified in Section 7-204; and

1. Possess a valid unexpired Hospital Inspector Certificate or an expired certificate that meets the delinquency criteria in subsection (c).
2. Complete a seminar conducted, sponsored, or cosponsored by the Office within the three-year certification period.
3. Submit a recertification application and exam fee pursuant to Section 7-206.

(c) Expired certification may be reinstated after the expiration date, but within six months past that date. The Hospital Inspector will be required to pay a delinquency fee, pursuant to Section 7-206, in order to reinstate certification during the six-month delinquency period. If an inspector fails to reinstate certification within this time frame, the inspector will be required to pass a certification exam to obtain new certification as a Hospital Inspector.

(d) If a Hospital Inspector fails the recertification exam a re-test may be offered by the Office. If a retest is offered, the Hospital Inspector will be required to pay the recertification exam fee again for the retest. The inspector must meet the requirements of provision (b) to maintain a valid certificate.

(e) If a Hospital Inspector fails the recertification exam, the inspector must meet the requirements of provision (b) to maintain a valid certificate.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-212. Approval of hospital inspector of record for construction projects.**

(a) It is incumbent upon the hospital governing board or authority and the architect or structural engineer, or both, in responsible charge of the work, or the engineer in responsible

charge of the work, to select the appropriate inspector(s) for a project. The hospital governing board or authority shall submit to the Office an application for each Hospital Inspector of Record proposed to perform construction inspection on a specified hospital construction project. The hospital governing board or authority shall obtain Office approval of proposed Hospital Inspector(s) of Record prior to commencement of the hospital construction project in accordance with Section 7-135.

(b) The Office shall not approve a proposed Hospital Inspector of Record for a specified hospital construction project if the Office determines one of the following:

1. The Hospital Inspector of Record applicant does not hold a valid Hospital Inspector certificate pursuant to the provisions of these regulations.
2. The Hospital Inspector is not appropriately certified in the class of inspection required for the scope of the construction project. The Class "C" inspector does not possess a current certificate for the area of inspection proposed in accordance with Section 7-204(c).
3. The Hospital Inspector is a former Office employee pursuant to subsection (c) and is within the one year restriction period governing the Office's approval of an inspector.
4. The Hospital Inspector is committed to a workload outside the specified hospital construction project and is unable to allot adequate time to perform the work and to fulfill all IOR responsibilities on the specified construction project, as determined by the process set forth in subsection (d).
5. The Hospital Inspector is the architect or engineer in responsible charge of the work for the construction project specified on the Hospital Inspector of Record application.

**Exception:** The Office may approve the architect or engineer in responsible charge of the work, when in the determination of the Office: (A) the project scope, duration and complexity do not merit a separate individual to serve as the Hospital Inspector of Record, and (B) the ability of the Office to obtain accurate and impartial inspection will not be jeopardized.

(c) A former employee of the Office who performed field inspections/observations or supervised staff performing field inspections/observations during employment with the Office shall not be approved for a project by the Office as a Hospital Inspector of Record within one year from the effective date of separation from the Office.

(d) When the Office determines that the cumulative workload of a Hospital Inspector of Record applicant appears excessive and may hinder competent and adequate inspection of a specified hospital construction project, the Office may request that the Hospital Inspector of Record applicant submit a written plan including a work schedule and indicating a means to perform inspection on the specified hospital construction project. The office may withdraw the inspector's approval due to failure to comply with any part of 7-145.

The Office will consider specific work-related factors when reviewing the Hospital Inspector's work schedule to

determine approval, pursuant to subsection (b)4. These work-related factors are limited to the following:

1. The geographic location of current work sites,
2. The scope of current projects,
3. The current phase of each project, and
4. The number of current projects.

(e) When an inspector is approved by the Office, written notification will be sent to the hospital governing board or authority; the architect and/or engineer in responsible charge of the construction project; and the inspector of record applicant. The inspector must be in possession of this approval notice prior to commencement of construction.

(f) A Hospital Inspector of Record who has been approved by the Office must maintain valid certification throughout the term of the specified project in order to remain a Hospital Inspector of Record on the project. The Office shall rescind approval of a Hospital Inspector of Record on a project if the inspector does not comply with this provision.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

**7-213. Monitoring of the hospital inspector of record's performance.** When the Office determines that a Hospital Inspector of Record has violated a provision of these regulations or that the inspector is not competently or adequately providing inspection of a facility to ensure the hospital construction is in compliance with the construction documents, the Office will notify that inspector, the hospital governing board or authority, and the architect and/or engineer in responsible charge. The written notification will include the Office's findings, reference to the statute and/or regulation being violated, and statement of the Office's intent to issue a "stop work" order unless the violation ceases and is rectified immediately.

**Authority:** Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

**Reference:** Health and Safety Code Sections 129680, 129825 and 129998.

#### **7-214. Suspension or revocation of certification.**

(a) A hospital inspector of record certification, issued by the Office, may be suspended or revoked, as determined by the Office. A certification may be suspended or revoked if: (1) the Office determines that one or more grounds for suspension/revocation exist and the immediate suspension of a certification is necessary for health and safety reasons, or (2) the Office determines that reasonable grounds exist for the suspension/revocation of a certification based upon the evidence presented.

(b) **Grounds for suspension and/or revocation.** The Office or third parties may propose the suspension/revocation of a certification to the Office based on evidence of a certificate holder's (1) incompetent inspection(s); (2) inadequate inspection(s); (3) misrepresentation(s); (4) misconduct; and/or (5) violation(s) of these regulations.

(c) **Process for suspension and/or revocation.** The Office shall investigate the alleged inappropriate activity, as identified in Section 7-214(b), of the certificate holder, gather evidence related to the incident(s) in question, and interview witnesses, if appropriate. Based upon consideration of the

evidence presented, the Office shall determine whether or not reasonable grounds exist for the suspension/revocation of certification.

In the event that the Office determines that reasonable grounds exist for suspension/revocation, the Office will notify the certificate holder in writing. The notice shall provide the certificate holder with an opportunity to participate in a formal conference and/or present additional evidence before a final determination is made. The Office must receive a written request for a formal conference and/or additional evidence from the certificate holder within 15 calendar days of the issuance of notice. If the Office does not receive a timely request for a formal conference, the Office may issue a final determination as to the suspension/revocation.

A formal conference may be conducted in person or by telephone. The Office shall make a final determination as to the suspension/revocation after considering all the evidence on record, including the formal conference and/or any additional information submitted by the certificate holder. Written notification of the Office's final determination will be provided to the certificate holder within 15 calendar days of the formal conference, if applicable.

(d) **Suspension** is appropriate when the Office determines any of the following: (1) a certificate holder negligently or incompetently commits an act amounting to one or more grounds for suspension identified in Section 7-214(b); (2) the evidence demonstrates solitary, limited or isolated incident(s) rather than a course of negligent/incompetent conduct on the part of the certificate holder in question; and/or (3) other factors, including but not limited to mitigating circumstances or facts relating to the certificate holder's course of conduct, support the suspension of the certification in lieu of revocation.

A certification may be suspended for a minimum of one month to a maximum of six months. The duration of suspension will be determined by the Office upon consideration of all of the evidence on record, and account for the severity of the action(s) constituting grounds for suspension.

(e) **Revocation** is appropriate when the Office determines any of the following: (1) a certificate holder knowingly, willfully or with gross negligence commits an act amounting to one or more grounds for revocation identified in Section 7-214(b); (2) the evidence demonstrates a course of actionable conduct and/or a history of repeated or continuous deviations from the general standard of care in the inspection industry; and/or (3) the Office determines that other factors, including but not limited to damages to third parties or facts related to the certificate holder's course of conduct, justify the revocation of the certification in lieu of suspension.

A certification, once revoked, is no longer valid and may not be renewed pursuant to Section 7-211. In the event that a certificate holder has his or her hospital inspector certification revoked consistent with this Section, he or she may not apply for a new certification for a period of three years from the date of the Office's final written determination identified in Section 7-214(c).

(f) **Appeal.** A final written determination of the Office related to the suspension and/or revocation of a certificate may be appealed by the certificate holder pursuant to Article 5.5 of these regulations.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### 7-215. Conduct relative to performance.

(a) For a certified inspector to provide competent services, they must act with integrity, honesty, and objectivity. This Code reflects the expectations of the Office for not only inspectors, but also all professionals working on any facility subject to inspection. An inspector shall expect others to act with integrity, honesty, and objectivity. If an inspector believes that any person on the project lacks integrity, honesty, and objectivity, the inspector shall bring it to the attention of the Office.

The Code of Ethics requires that an inspector shall:

1. Uphold their duty to the profession, the project, and the public.
2. Maintain an impartial, respectful, and unprejudiced attitude.
3. Treat all persons encountered with courtesy.
4. Be familiar with and obey all state and federal laws that may apply to the inspection being conducted.
5. Maintain their professional competence through ongoing education.
6. Ensure they have access to all pertinent facts which are reasonably available before making any suggestions or drawing any conclusions in the course of a construction inspection.
7. Work efficiently, and only in the area of their competence.
8. Not receive compensation on a contingency payment basis for either work or referrals.
9. Neither accept nor solicit anything of value from any party associated with the facility subject to inspection.
10. Make neither unjust nor unreasonable demands.
11. Never be involved in a construction inspection where any direct or indirect conflict of interest may be cause for concern about the final report's objectivity.
12. Conduct themselves in a professional manner at all times.
13. Strive to maintain and improve professional standards in the field of environmental assessment and be willing to assist HCAI to that end.
14. Refrain from engagement in inspection without a valid and active certification.
15. Follow the directions of the design professional in charge of the project.

## ARTICLE 20 REPAIR OF DAMAGE AFTER AN EMERGENCY

### 7-300. Plan review and approval.

(a) All repair projects are subject to prior plan review, plan approval and construction permit by the Office except as noted in subsection (b).

(b) For emergency repairs carried out without the Office plan review and permit in the aftermath of an emergency, an application for plan review must be submitted with construction documents, fees and a letter of transmittal stating the reasons for emergency repairs within 10 business days of the temporary authorization. Back checks shall be resubmitted within 10 business days of receiving comments. Photographs, if available, and reports of damage and repairs should also be submitted with the application. Additional repairs may be required if the emergency repairs do not comply with the code. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.

(c) Plan reviews for emergency damage repairs will be performed on a priority basis. The application for plan review should clearly state that the scope of the project is to repair the damage from the emergency. Where possible, reviews will be made over the counter.

(d) Plan review fees shall be payable for all damage repair projects in accordance with the following:

1. 1.64 percent of estimated construction costs for hospitals.
2. 1.50 percent of estimated construction cost for skilled nursing facilities (SNF) or intermediate care facilities (ICF).
3. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.
4. An examination fee where review of existing plans is required. The fee will be calculated on a time and material basis at the prevailing hourly rates applicable for the review personnel.

(e) Office recommends predesign conference with architects/engineers to resolve code issues relevant to the repair projects.

**Authority:** Health and Safety Code Section 129850.

**Reference:** Health and Safety Code Sections 129785, 129787 and 129820.

**7-301. Appeals.** The Hospital Building Safety Board shall act as a board of appeals with regard to disagreements between the Office and hospital/SNF/ICF authorities on interpreting the repair policy or the establishment of the degree of damage. (Section 7-159 of Administrative Regulations for the Office)

**Authority:** Health and Safety Code Section 129850.

**Reference:** Health and Safety Code Section 129925.

### 7-305. All buildings.

Where the repairs to damage caused by an emergency are required, facilities may reopen, after temporary repairs, for a limited period of time subject to the following.

1. **Temporary repairs:** The hazard resulting from damage to the facility is abated and the facility is at least restored to its pre-emergency condition or its equivalent.

2. **Permanent repairs/retrofit:** The owner successfully negotiates with the Office a time bound plan for the permanent repairs/retrofit of the damaged facilities required by these regulations.

**Authority:** Health and Safety Code Section 129850.

**Reference:** Health and Safety Code Sections 129725 and 129820.

#### HISTORY:

1. (OSHPD/EF 1/95) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state on September 8, 1995; effective September 8, 1995. Approved as an emergency by the California Building Standards Commission on September 7, 1995.
2. (OSHPD/EF 1/95, permanent) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on November 30, 1995. Since there were no changes, effective date remains September 8, 1995.

## ARTICLE 21 PLAN REVIEW, BUILDING INSPECTION AND CERTIFICATION OF SURGICAL CLINICS, CHRONIC DIALYSIS CLINICS AND OUTPATIENT SERVICES CLINICS

### 7-2100. Scope of responsibilities.

(a) Except as otherwise provided in these regulations, a city or county building jurisdiction shall be responsible for plan review and building inspection of new construction or alteration of clinic facilities specified in 7-2100(a)(1), (2), (3) and (4) and shall also provide certification that the clinic facilities identified in 7-2100(a)(1), (2) and (3) are in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code*. For clinic facilities identified in 7-2100(a)(1), (2) or (3), construction or alteration shall include buildings converted to the specific purpose.

1. Surgical clinic as defined in Health and Safety Code, Section 1204(b)(1).
2. Chronic dialysis clinic as defined in Health and Safety Code, Section 1204(b)(2).
3. Surgical and/or chronic dialysis clinic building which is freestanding from a building where hospital services are provided and as defined in Health and Safety Code, Section 129725(b)(1).
4. Any building where hospital outpatient clinical services are provided that is freestanding from a hospital building, as defined in Health and Safety Code, Section 129725(a), except those buildings identified in 7-2100(a)(3).

(b) The city or county shall not establish or apply building standards for the construction or alteration of hospital licensed freestanding clinics, as described in Section 7-2100(a)(3) and (4), which are more restrictive or comprehensive than comparable building standards established or applied to clinic facilities which are not hospital licensed pursuant to Health and Safety Code, Chapter 1 (commencing with Section 1200) of Division 2.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129885.

**7-2101. Surgical clinic and chronic dialysis clinic project submittal to the local building jurisdiction.**

(a) The governing authority or owner of a clinic, as described in Section 7-2100(a)1 and 2, shall submit construction plans to the city or county, as applicable, for plan review, building inspection and certification. Certification by the local building jurisdiction shall indicate that the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

**Exception:** Notwithstanding Section 7-2100(a)(1) and (2), the governing authority or owner may request the Office to perform the plan review and certification, pursuant to Section 7-2102.

(b) Upon the clinic's initial submittal of project plans, the city or county shall advise the governing authority or owner, in writing, of its decision that plan review services will either include certification or not include certification.

(c) If the city or county indicates to the governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

(d) If the city or county indicates to the applicant that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic provisions. The governing authority or owner shall also submit the following items to the Office:

1. A completed application and construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with written certification that the project construction documents meet the clinic provisions in the latest edition of the *California Building Standards Code*.

(g) Building construction inspection for the clinic project shall be performed by the local jurisdiction.

**7-2102. Request for the office to provide plan review for surgical clinics and chronic dialysis clinics.**

(a) If the governing authority or owner of a clinic, as described in Section 7-2100(a)(1) or (2), elects to request the Office to provide plan review services for a clinic project, in lieu of the city or county, the request shall be submitted to the Office in writing. The Office will consult with the applicable local building jurisdiction prior to acceptance or nonacceptance of the plan review request and subsequently notify the clinic, in writing, of its decision.

(b) If the Office agrees to provide plan review and certification services for the governing authority or owner, the applicant shall submit the following items to the Office:

1. A completed application and design construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(c) The Office shall review the plans to all applicable provisions in the latest edition of the *California Building Standards Code*.

(d) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the applicant with written certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(e) Building construction inspection for the project clinic shall be performed by the local building jurisdiction. Therefore, the governing authority or owner shall submit to the city or county applicable project documents required for these building inspection services.

**7-2103. Hospital outpatient services clinic project submittal to local building jurisdiction.**

(a) The hospital governing authority or owner of a free-standing outpatient services clinic, as described in Section 7-2100(a)(3) or (4), shall submit construction plans to the city or county, as applicable, for plan review and building inspection, pursuant to this section or may request the Office to perform plan review and building inspection, pursuant to Section 7-2104. Certification by the local building jurisdiction that the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code* is also required for clinics described in 7-2100(a)(3).

(b) If the hospital governing authority or owner of a clinic, as described in Section 7-2100(a)(3), initially submits clinic plans to the city or county for plan review, the city or county shall respond to the clinic owner, in writing, stating its decision of whether or not the plan review will include certification.

(c) If the city or county indicates to the hospital governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

(d) If the city or county indicates to the hospital governing authority or owner that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic

provisions. The applicant shall also submit the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents for certification to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(g) Building construction inspection for the project clinic shall be performed by the local building jurisdiction.

#### **7-2104. Plan review and building inspection by the office for hospital outpatient services clinics.**

(a) The hospital governing authority, as described in Section 7-2100(a)(3) or (4), may request that the Office perform plan review and building inspection for a clinic project, in lieu of the city or county performing these services. This request shall be submitted to the Office in writing.

(b) The Office shall perform the requested plan review and building inspection services when the hospital governing authority submits the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113; and
2. A fee, pursuant to Section 7-2106.

(c) For clinic facilities described in Section 7-2100(a)(3), upon completion of the building construction and receipt of all applicable fees, the Office will provide certification that the construction documents and construction comply with the applicable provisions in the *California Building Standards Code*.

(d) A clinic building which has been accepted by the Office, pursuant to paragraph (a) of this section, shall remain under the jurisdiction of the Office for plan review and building inspection of any subsequent alterations, unless the hospital governing authority or owner submits written notification to the Office, requesting the applicable city or county building jurisdiction to conduct plan review and building inspection for subsequent construction projects of the specified clinic.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129885.

#### **7-2105. “Hospital Building” designation of a freestanding hospital-owned clinic.**

(a) A building which is under the Office’s jurisdiction, pursuant to Section 7-2104(d) may be designated as a “hospital building” by the hospital governing authority or owner under the following conditions:

1. The hospital governing authority or owner submits written notification to the Office indicating the determi-

nation to designate the building as a “hospital building” and;

2. The subject building remains under the jurisdiction of the Office for plan review and building inspection.

(b) A building designated as a “hospital building,” pursuant to Section 7-2105(a), shall be reviewed and inspected to verify compliance with the standards and requirements for a hospital building, as defined in Health and Safety Code, Part 7, Chapter 1, (commencing with Section 129675).

#### **7-2106. Fees for review of specified clinics.**

(a) Fees for plan review services of clinic buildings described in Section 7-2100(a)1, 2 and 3, shall be in an amount not to exceed the actual cost of performing the services.

**Exception:** When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100(a)3, the fee requirements of Section 7-133(a)(1) which apply to hospital buildings shall also apply to the project building.

(b) When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100(a)(4), the fee requirements of Section 7-133 (a) (1) which apply to hospital buildings shall also apply to the project building.

(c) Fees shall be paid as follows:

1. A nonrefundable filing fee of \$250.00 shall accompany the application for plan review. This filing fee will be applied toward the total fees due for the project.
2. After a preliminary review of the required documents received and determination of the services to be performed, the Office will provide an estimate of the total review fee due based on costs to be incurred.
3. The applicant shall submit payment of the estimated fee prior to start of the plan review and building inspection services.
4. If during the review/inspection process it appears that actual costs will exceed the estimate by more than five percent (5%), the applicant will be informed that additional fees, not to exceed the actual cost will be due and payable immediately upon project completion.
5. All applicable fees for a completed project shall be paid prior to certification by the Office.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129885.

#### **7-2107. Fee refund.**

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written request must be submitted to the office within:
  - a. One year of the date of written certification of compliance with the applicable clinic provisions.
  - b. One year of the date the project is withdrawn by the applicant.

- c. The time limits specified in Section 7-134 for building(s) as described in Section 7-2104.
2. No refund shall be issued before written certification is provided, or the project is withdrawn or closed.
3. Refunds shall be exclusive of the \$250 filing fee.
4. Refunds shall be calculated pursuant to Section 7-2107(b), (c) or (d).

(b) Fees paid for a project, involving a building(s) as described in Section 7-2100(a)(1), (2) or (3), which exceed the actual cost for performing plan review and inspection services by more than five percent (5%), shall be refunded by the Office.

**Exception:** Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(c) If an applicant withdraws a project that has been submitted to the Office for plan review of a building(s), as described in Section 7-2100(a)(1), (2) or (3), the unexpended balance of fees paid to the Office for actual cost of plan review services provided shall be refunded to the applicant.

**Exception:** Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(d) If an applicant requests a refund of fees for a project that has been submitted to the Office for plan review and building inspection, as described in Section 7-2100(a)(4), a fee may be refunded to the applicant pursuant to the applicable requirements of Section 7-134.

**Authority:** Health and Safety Code Sections 1226, 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129885.



## HISTORY NOTE APPENDIX FOR CHAPTER 7

### Administrative Regulations for the Office of Statewide Health Planning and Development California Code of Regulations, Title 24, Part 1

#### HISTORY:

The history notes for prior changes remain within the text of this code.

1. (OSHPD 1/97) Regular order by the Office of Statewide Health and Planning and Development to amend Chapters 6 and 7 as a result of SB 1953. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
2. (OSHPD-EF 1/98) Emergency order by the Office of Statewide Health Planning and Development to adopt administrative regulations specific to Hospital Inspector Citizenship/Alien Certification. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
3. BSC 1997 Triennial Code Adoption Cycle (OSHPD 1/97, OSHPD 2/97, OSHPD 3/97). Approved by the California Building Standards Commission on May 6, 1998. Filed at the secretary of state's office on September 29, 1998, effective October 29, 1998.
4. Erratum to correct printing errors. Correction to Section 7-101 to change the date of the Alfred E. Alquist Act to 1983. Correction of grammatical error in Section 7-111. Publication date February 15, 2001.
5. (OSHPD 9/99) Testing, Inspection, and Observation Program. Various sections in Chapter 7. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
6. (OSHPD 10/99) Filing Fee/Personal Knowledge Verified Reports. Amend Sections 7-103, 7-111, 7-113, 7-133, 7-151. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
7. (OSHPD 3/99) Class C Hospital Inspector. Amend Sections 7-200, 7-204, 7-206. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
8. (OSHPD 01/01) 7-115 Preparation of Plans and Specifications. 7-152 Supplantation of an Architect, Engineer or Inspector of Record, Special Inspector or Contractor. Approved as submitted by the California Building Standards Commission on September 25, 2001. Files with the Secretary of State on November 6, 2001, effective December 6, 2001.
9. October 1, 2002 Errata adding Number 8 above.
10. (OSHPD EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.
11. (OSHPD 4/02) Chapter 7, amend various sections. Safety Standards for Health Facilities. Article 3, Section 7-125, Final Review of Plans and Specification. Article 3, Section 7-129, Time Limitations for Approval. Article 4, Section 7-135, Time of Beginning Construction. Article 4, Section 7-141, Administration of Construction. Article 4, Section 7-155, Final Approval of the Work. Article 19, Section 7-203, Applying for the Certification Examination. Article 21, Section 7-2100 through 7-2106, Scope of Responsibilities. Approved by the Building Standards Commission on May 14, 2003 and effective June 13, 2003.
12. (OSHPD EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.
13. (OSHPD 01/04) Amend Chapter 6, Article 1 for change in Seismic Performance Category nonconforming building. Amend Chapter 7, Article 3 for plan review, Article 4 for construction inspection, Article 5 for appeals to the Hospital Building Safety Board, Article 6 for contract services, Article 19 for certification of hospital inspectors, and Article 21 for fees for review of specified clinics. Filed with Secretary of State on May 23, 2006, and effective on the 30th day of filing with the Secretary of State.
14. (OSHPD 01/06) Amendments to administrative standards for the review and construction of health facilities: preparation of plans and specifications, Hospital Inspector certification, and plan review and inspection of outpatient clinics. Filed with the Secretary of State on February 15, 2007, and effective 30 days thereafter.
15. (OSHPD EF 01/07) Amend Title 24, Part 1, Chapter 7, Article 1, Article 2, Article 3, Article 20. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective on January 1, 2008.
16. (OSHPD 01/07) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on July 17, 2008. Filed with the Secretary of State on July 18, 2008, and effective 30 days thereafter.
17. (OSHPD 04/09) Amend Chapter 7, Safety Standards for Health Facilities. Effective on February 13, 2010.
18. (OSHPD EF 01/10) Amend Chapter 7 with HAZUS updates pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.

19. (OSHDPD 01/10) Amend Article 1, Title 24, Chapter 7, Article 7-111, effective on August 28, 2011.
20. (OSHDPD 02/12 and OSHDPD 03/12) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
21. (OSHDPD 01/15) Amend Chapter 7, Safety Standards for Health Facilities: Article 2: Section 7-111; Article 3: Section 7-131, 7-133; Article 4: Section 7-141, 7-144, 7-149, 7-153; Article 5: Section 7-159, 7-161, 7-165, 7-167, 7-169, 7-171; Article 5.5: Section 7-173, 7-175, 7-177, 7-181, Article 19: Section 7-214, 7-215. Approved by the California Building Standards Commission on December 16, 2015, and effective 30 days after filing with Secretary of State.
22. Errata to correct editorial errors within Chapter 7 in this code. Effective January 1, 2017.
23. 2016 Intervening Cycle Supplement (OSHDPD 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.
24. 2018 Triennial Code Adoption Cycle (OSHDPD 01/18) Amend Chapter 7, Article 1, Section 7-103; Article 2, Section 7-111; Article 3, Sections 7-115 and 7-128; Article 4, Sections 7-141, 7-144, 7-145, 7-149, 7-151, 7-152, 7-153 and 7-155; Article 5, Sections 7-165 and 7-171; Article 19, Sections 7-204, 7-207, 7-208, 7-209 and 7-211; Added to Chapter 7, Article 3, new Section 7-118. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after publication pursuant to *California Health and Safety Code*, Section 18938.
25. Erratum to correct editorial errors in Chapter 7, Section 7-144(a): effective January 1, 2020.
26. 2019 Intervening Cycle Update (OSHDPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
27. (OSHDPD 03/21) Amend Chapter 7, Article 2, Section 7-111, Article 3, Sections 7-113, 7-121, 7-123, 7-128, 7-129, 7-130, 7-133, Article 4, Sections 7-144, 7-145, 7-153, Article 19, Section 7-201. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
28. (OSHDPD 01/22) Amend Chapter 7, Article 2, Section 7-111, Article 3, Sections 7-113, 7-115, 7-117, 7-119, 7-125, 7-129, 7-131, 7-133, Article 4, Sections 7-135, 7-144, 7-153, 7-155, Article 19, Sections 7-201, 7-206, 7-211, 7-212, 7-215, and Article 20, Section 7-300. Adopt Chapter 7, Article 19, Section 7-215. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.

notice of new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.

3. The record of the testimony, exhibits, all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.

4. The decision of the Board shall be final.

**Note:** Amendments to Section 13-102 effective November 25, 1993.

### 13-102. Minimum standards for local detention facilities.

(a) **Definitions.** The following definitions shall apply:

**ADMINISTERING MEDICATION**, as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

**ADMINISTRATIVE SEPARATION** means the physical separation of different types of incarcerated persons from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and incarcerated persons.

**ALTERNATE MEANS OF COMPLIANCE** means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board of State and Community Corrections pursuant to an application.

**AVERAGE DAILY POPULATION** means the average number of incarcerated persons housed daily during the last fiscal year.

**BOARD OF STATE AND COMMUNITY CORRECTIONS** means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors and field representatives.

**CONCEPT DRAWINGS** means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

**CONTACT** means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is direct oral communication between incarcerated adults and juvenile offenders.

**COURT HOLDING FACILITY** means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

**CUSTODIAL PERSONNEL** means those officers with the rank of deputy, correctional officer, patrol persons or other equivalent sworn or civilian rank whose duties include the supervision of incarcerated persons.

**DELIVERING MEDICATION**, as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

**DESIGN-BID-BUILD** means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

**DESIGN-BUILD** means a construction procurement process in which both the design and construction of a project are procured from a single entity.

**DEVELOPMENTALLY DISABLED** means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes cognitive and intellectual disabilities, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to cognitive and intellectual disabilities or to require treatment similar to that required for mentally retarded individuals.

**DIRECT VISUAL OBSERVATION** means direct personal view of the incarcerated person in the context of their surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

**DISABILITY** means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.

**DISCIPLINARY SEPARATION** means the status assigned a person as the result of violating facility rules and which consists of confinement in a cell or housing unit.

**DISPENSING**, as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

**DISPOSAL**, as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

**EMERGENCY** means any significant disruption of normal facility procedure, policies or activities caused by a riot, fire, earthquake, attack, strike or other emergent condition.

**EMERGENCY MEDICAL SITUATIONS** means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

**EXERCISE** means activity that requires physical exertion of the large muscle group.

**FACILITY/SYSTEM ADMINISTRATOR** means the sheriff, chief of police, chief probation officer or other official charged by law with the administration of a local detention facility/system.

**FACILITY MANAGER** means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

**FACILITY WATCH COMMANDER** means the individual designated by the facility manager to make operational decisions during their tour of duty.

**HEALTH AUTHORITY** means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

**HEALTH CARE** means medical, mental health and dental services.

**JAIL**, as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”

**LABELING**, as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

**LAW ENFORCEMENT FACILITY** means a building that contains a Type I Jail or Temporary Holding Facility or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

**LEGEND DRUGS** are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code*. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

**LIVING AREAS** means those areas of a facility utilized for the day-to-day housing and activities of incarcerated persons. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

**LOCAL DETENTION FACILITY** means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for con-

finement of both adults and minors which is devoted only to the confinement of minors.

**LOCAL DETENTION SYSTEM** means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

**LOCAL HEALTH OFFICER** means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

**LOCKUP** means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced persons who are incarcerated workers may reside in the facility to carry out appropriate work.

**MAY.** “May” is permissive; “shall” is mandatory.

**MENTAL HEALTH DIRECTOR** means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

**NONSECURE CUSTODY** means that a minor’s freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

**NONSENTENCED** means an incarcerated person with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

**OVER-THE-COUNTER (OTC) DRUGS**, as it relates to managing legally obtained drugs, are medications which do not require a prescription (nonlegend).

**PERFORMANCE CRITERIA** means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency’s needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

**PILOT PROJECT** means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Board of State and Community Corrections.

**PRELIMINARY DRAWINGS** means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

**PROCUREMENT**, as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

**PSYCHOTROPIC MEDICATION** means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

**RATED CAPACITY** means the number of incarcerated occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary separation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

**REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED** means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

**REMODEL** means to alter the facility structure by adding, deleting or moving any of the building's components, thereby affecting any of the spaces specified in Title 24, Section 1231.

**REPACKAGING**, as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturer's container to another properly labeled container.

**REPAIR** means to restore to original condition or replace with like-in-kind.

**SAFETY CHECKS** means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of incarcerated people.

**SECURE CUSTODY** means that a minor being held in temporary custody in a law enforcement facility is locked in a room, enclosure, or physically secured to a cuffing rail or other stationary object.

**SECURITY GLAZING** means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

**SENTENCED** means a person that has been sentenced/committed to custody in a local detention facility.

**SHALL** is mandatory; "may" is permissive.

**SOBERING CELL** as referenced in Section 1056, refers to an initial "sobering up" place for people who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

**STORAGE**, as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

**SUPERVISION IN A LAW ENFORCEMENT FACILITY** means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

**SUPERVISORY CUSTODIAL PERSONNEL** means those staff members whose duties include direct supervision of custodial personnel.

**TEMPORARY CUSTODY** means that the minor is not at liberty to leave the law enforcement facility.

**TEMPORARY HOLDING FACILITY** means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

**TYPE I FACILITY** means a local detention facility used for the detention of persons, for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or those committed to a city jail or may house people sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the person incarcerated. As used in this section, an incarcerated worker is defined as a person assigned to perform designated tasks outside of their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.

**TYPE II FACILITY** means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.

**TYPE III FACILITY** means a local detention facility used only for the detention of convicted and sentenced persons.

**TYPE IV FACILITY** means a local detention facility or portion thereof designated for housing under Penal Code Section 1208 for work/education furlough or other programs involving access into the community.

**WORKING DRAWINGS** means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purpose of accurate bidding by contractors and for the use of artisans in constructing the project.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled or constructed, a definite time period over which the proposed modifications are planned and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local detention facility.**

1. **Letter of intent.** A city, county, city and county, or any combination thereof which has an intent to build or remodel any local detention facility shall immediately file a letter of intent with the Board.
2. **Needs assessment study.** Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the Board prior to contracting for plans and specifications.

The needs assessment shall include, but not be limited to, a description of:

- A. The elements of the system;
- B. The department's operational and design philosophy;
- C. The current incarcerated population;
- D. The classification system;
- E. Program needs, including planned academic programs to include special education programs and an analysis of performance in using programs that can reduce secure facility requirements;
- F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected incarcerated populations, and program costs based on continuation of current policies and projections of alternative policies or programs on incarcerated population growth and program costs;
- G. The adequacy of staffing levels;
- H. The ability to provide visual supervision;
- I. The adequacy of record keeping;
- J. A history of the system's compliance with standards; and
- K. Any unresolved issues.

3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board or the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans

required by Section 13-102 (c) 5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of incarcerated persons to be housed.
- C. Movement of incarcerated persons within the facility and entry and exit from security areas.
- D. Food preparation and serving.
- E. Commissary.
- F. Staffing.
- G. Booking.
- H. Visiting and attorney reviews.
- I. Exercise.
- J. Programs.
- K. Medical services, including the management of communicable diseases.
- L. Cleaning and laundering.
- M. Separation of incarcerated persons as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
- N. Court holding and movement of incarcerated persons.
- O. Mental health services.
- P. Facilities for jail administration and operations staff.
- Q. Staff to staff communications system.
- R. Management of disruptive incarcerated people.
- S. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
- T. Architectural treatment of space relative to preventing suicides by incarcerated persons.
- U. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- V. Intended type of facility.
- W. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to separate.
- X. Safety cell(s) as referenced by Title 15, Section 1055.
- Y. If minors enter the security area for processing, secure custody, or housing. Describe how minors will move within the secure areas of the facility pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.

4. **Type III and Type IV facilities in existing buildings.** Wherever a city, county or combination thereof,

intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official and State Fire Marshal.

**5. Submittal of plans and specifications.** All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.

1. For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design phase, at the design development phase and the construction document phase.
2. For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or non-compliance with these regulations.

**6. Design requirements.**

A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 1231.

B. The design of a local detention facility, shall provide the following:

(1) **Fire safety.** The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.

(2) **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an incarcerated person. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells, sobering cells, safety cells, single occupancy cells and any other area where incarcerated persons may be left without direct visual observation:

- a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
- b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
- c. supply and return grilles and any other vent or security cover shall have openings no greater than  $\frac{3}{16}$  inch or have 16-mesh per square inch;

- d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
- e. light fixtures shall be tamper resistant;
- f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
- g. fire sprinkler heads inside rooms shall be designed to prevent attachment.
- h. telephone cords shall be at a length that reduces the potential for use as a ligature.

(3) **Health and sanitation.** Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the California Retail Food Code as they relate to detention facilities shall be incorporated into the facility design.

(4) **Single- or double-occupancy cells.** In any local detention system, the number of single- or double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those incarcerated persons projected to be:

- a. administrative separation cases,
- b. persons with disabilities,
- c. custodial problems or
- d. likely to need individual housing for other specific reasons as determined by the facility/system administration.

The total number of single- or double-occupancy cells shall not be less than 10 percent of the system's Board of State and Community Corrections rated capacity. The local detention facility/ system shall comply with all other design requirements contained in these regulations.

(5) **Safety of staff and incarcerated persons.** Facilities shall be designed and/or equipped in such a manner that staff and incarcerated people have the ability to summon immediate assistance in the event of an incident or an emergency.

(6) **Heating and cooling.** Provision shall be made to maintain a living environment in accordance with the heating, ventilating and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.

(7) **Acoustics.** Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.

(8) **Living areas.** Living areas shall be separated from the area for reception and booking.

**(9) Spaces for persons with disabilities.**

- a. Spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which they would otherwise be eligible. Accessible showers for incarcerated persons with disabilities shall be available.
- b. All spaces of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.
- c. Facilities shall comply with applicable federal and state disability laws and regulations including Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. See 28 C.F.R. Section 35.152; 28 C.F.R. Section 35.151(k).

(10) **Security.** The design should facilitate security and supervision appropriate to the level of custody including consideration of design and space as it relates to the prevention of sexual abuse and harassment.

(11) **Glazing.** Internal and external facility glazing shall be appropriate to the security level of the detention area or room.

(12) **Hair care space.** Space and suitable equipment must be provided in all Type II or Type III facilities.

(13) Floor drains shall be provided where operationally and mechanically appropriate.

(14) A sewage system design capable of addressing items that could potentially impact waste-water systems.

(15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

C. The design of a Court Holding or Temporary Holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have paths of travel for incarcerated persons that are separate from those used by the public.

7. **Pilot projects.** The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

A. The regulations which the pilot project will affect.

B. Review of case law, including any lawsuits brought against the applicant's local detention facility, pertinent to the proposal.

C. The applicant's history of compliance of noncompliance with standards.

D. A summary of the "totality of conditions" in the facility or facilities, including but limited to:

- (1) Program activities, exercise and recreation;
- (2) Adequacy of supervision;
- (3) Types of incarcerated people affected; and
- (4) Classification procedures.

E. A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.

F. The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.

G. A plan for developing and implementing the pilot project, including a time line where appropriate.

H. A statement of how the overall goal of providing safety to staff and incarcerated persons will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board, the Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully com-



pletes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

8. **Alternate means of compliance.** The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated [as defined in Section 13-102(c)7]. The city, county, or city and county must present the completed application to the Board no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- A. Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- B. The applicant's history of compliance or noncompliance with standards.
- C. A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
  - (1) Program activities, exercise and recreation;
  - (2) Adequacy of supervision;
  - (3) Types of incarcerated people affected; and
  - (4) Classification procedures.
- D. A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- E. The projected costs of the alternative and projected cost savings to the city, county, city and county, if any.
- F. A plan for developing and implementing the alternative, including a time line where appropriate.
- G. A statement of how the overall goal of providing safety to staff and incarcerated persons was achieved during the pilot project evaluation phase [Section 13-102(c)7].

The Board shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing,

that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting.

The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county, may continue to operate under this status as long as they meet the terms of this regulation.

## ARTICLE 2 MINIMUM STANDARDS FOR JUVENILE FACILITIES

### 13-201. Minimum standards for juvenile facilities.

(a) **Definitions.** The following definitions shall apply:

**ADMINISTERING MEDICATION**, as it relates to pharmaceutical management, means the act by which a single dose of medication is given to a patient by licensed health care staff. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

**ALTERNATE MEANS OF COMPLIANCE** means a process for meeting or exceeding the intent of the standards in an innovative way as approved by the Board pursuant to an application.

**APPEAL HEARING** means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters

raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Executive Director of the Board.

**APPELLANT** means a county or city which files a request for an appeal hearing.

**AUTHORIZED AND REPRESENTATIVE** means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

**BOARD** means the Board of State and Community Corrections, which acts by and through its executive director, deputy directors and field representatives.

**CAMP** means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which youth made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

**CELL EXTRACTION** means the forceful removal of a youth from a room.

**CLERGY** means persons ordained for religious duties.

**COMMITTED** means placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

**CONCEPT DRAWINGS** means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

**CONTRABAND** is any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility or would interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

**CONTROL ROOM** is a continuously staffed secure area within the facility that contains staff responsible for safety, security, emergency response, communication, electronics and movement.

**COURT HOLDING FACILITY FOR MINORS** means a local detention facility constructed within a court building used for the confinement of minors or minors and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

**DELIVERING MEDICATION**, as it relates to pharmaceutical management, means the act of providing one or more doses of a prescribed and dispensed medication to a youth.

**DESIGN-BID-BUILD** means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

**DESIGN-BUILD** means a construction procurement process in which both the design and construction of a project are procured from a single entity.

**DEVELOPMENTALLY DISABLED** means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely,

and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

**DIRECT VISUAL OBSERVATION** means staff must personally see youth's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

**DIRECT VISUAL SUPERVISION** means staff constantly in the presence of the youth. Audio/video monitoring may supplement but not substitute for direct visual supervision.

**DISPENSING**, as it relates to pharmaceutical management, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

**DISPOSAL**, as it relates to pharmaceutical management, means the destruction of medication or its return to the manufacturer or supplier.

**DNA** or Deoxyribonucleic acid means a chromosomal double stranded molecule that exists in each living cell. DNA determines an individual's hereditary characteristics and can be used to distinguish and identify an individual from another person. This becomes critical when blood, hair, skin or any other part of the body is used to prove one's involvement or lack of involvement in a crime scene.

**EMERGENCY** means a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest of juveniles and natural disasters such as flood, fire or earthquake; and which requires immediate action to avert death or injury and to maintain security.

**EXECUTIVE DIRECTOR** means the Executive Director of the Board.

**EXERCISE** means an activity that requires physical exertion of the large muscle groups.

**EXIGENT** means an urgent and unanticipated event that requires immediate action.

**FACILITY ADMINISTRATOR** means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

**FACILITY MANAGER** means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding youth.

**FILING DATE** means the date a request for an appeal hearing is received by the Executive Director or the Board.

**504 PLAN** means a written educational plan developed by a group of educators, administrators, parents and other relevant participants that addresses the needs of a student with a physical or mental impairment which may substantially limit major life activities, including caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning as defined under Section 504.

second line to read “. . . housing and treatment of ill . . .”; and revise the tenth line to read “... Treatment spaces and the medical care housing. . .”.

Section 13-201(c)8 — Revise the second line of the second paragraph to read “. . . compliance shall enhance, be equal to, or . . .”; and insert a new item (g).

3. (BOC 01/02) Approval of minimum standards for local facilities, CCR, Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003, and filed with the Secretary of State on July 18, 2003. Effective August 17, 2003.

4. (BOC 01/04) Part 1, Chapter 13, Sections 13-102(a); 13-102(c)l; 13-102(c)3; 13-102(c)6; 13-102(c)7; 13-102(c)8.

13-102(a) — Definitions. Add a definition for “Contact,” “Inmate worker,” “Jail,” “Law enforcement facility,” “Lockup,” “Nonsecure custody,” “Secure detention,” “Supervision in law enforcement facility,” “Temporary custody” and “Exercise.”

Revise “health authority” for clarity. Revise “local detention facility” to add the term “and minors” for clarity.

The term “herein” and “CCR” were deleted from the definition of “rated capacity.”

Revise “managerial custodial personnel” for clarity.

Add new definition for “security glazing” to help define the adult regulation requirements.

The term “his or her” is being replaced with the term “his/her” in the definition of “Type I Facility.”

13-102(c)1 — Letter of Intent + Revise regulation to provide consistent terminology when referring to a “city,” “county” or “city and county.”

13-102(c)3 — Program Statement — Retitled regulation to include “Operational” in the title heading to read as follows: “Operational Program Statement.”

13-102(c)6 — Design Requirements — This modification will require floor drains to be added to hair care spaces.

13-102(c)7 — Pilot Projects — Replaces existing text in Title 24 with language from Title 15.

13-102(c)8 — Alternate Means of Compliance — Describes the process for applying, monitoring and approving alternate means of compliance.

5. (CSA 01/06) Part 1, Chapter 13, 13-201. Approved by the California Building Standards Commission on July 17, 2008, filed with the Secretary of State on October 21, 2008, and effective 30 days after filing with the Secretary of State.

6. (CSA 01/10) Part 1, Chapter 13, 13-102. Approved by the California Building Standards Commission on October 19, 2011, filed with the Secretary of State on October 21, 2011, and effective 30 days after filing with the Secretary of State.

13-102(a) — Definitions. Add a definition for “Corrections Standards Authority,” “Clinical Evaluation,” “Con-

cept Drawings,” “Design-Bid-Build,” “Design-Build,” “Facility Watch Commander,” “Performance Criteria,” “Preliminary Drawings,” “May” and “Working Drawings.”

Modify definitions of “Law Enforcement Facility,” “Local Detention System,” “Rated Capacity,” “Remodel,” “Safety Checks” and “Secure Custody.”

Delete the following definitions: “Inmate Worker,” “Licensed Health Personnel” and “Manager, Custody Personnel.”

13-102(b) — In all locations showing “Board,” replace with “Corrections Standards Authority.”

13-102(c)3 — Amend text and add new item x

13-102(c)5 — Amend section to show two items.

13-102(c)6 — Amend text to add new item ‘h’ and modify existing item ‘c’.

13-102(c)6 — Revise item 14 and add new item 15.

13-102(c)8 — Add new text to end of section.

7. (CSA 01/12) Renamed as the Board of State and Community Corrections (BSCC).

Chapter 13, Section 13-201(a) Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

13-201(a) – Definitions. Change all “Correction Standards Authority” phrases and “CSA” acronyms to “Board.” Change all “minor” and “minor’s” phrases to “youth” where occurs.

Add new definitions as follows: “Clergy,” “Concept Drawings,” “Design-Bid-Build,” “Design-Build,” “Exigent,” “Gender Identity,” “Non-School Day,” “Performance Criteria,” “Separation,” “Sexual Orientation,” “Special Visits,” “Transgender Youth.”

Modify existing definitions as follows: “Contraband” – added to the last sentence “or violate facility rules.” “DNA” – Corrected the spelling of “Deoxyribonucleic.” “504 Plan” – Strike language referring to Federal Rehab. Act of 1973 and added clarification language. Revised the entire definition of “Individual Education Program (IEP)” – Added reference to Education Code and clarification language.

“Living Unit” – Strike “by any permanent or temporary barrier” and add “in any way.” Change title of “New Generation Design” to the new title of “Podular Design.”

Remove the following definitions: “Intensive Supervision Unit,” “Licensed Health Care Personnel,” and “Minimum Standards for Local Detention Facilities.”

Modify “Use of Force” – sub-section 3. Operational program statement, added clarifying language regarding design- build construction projects and the operational program needs. Sub-Section 5. Submittal of plans and specifications, clarifying language. Sub-section 6. Design requirements, added ref. to Title 24 and the State Fire Marshal for sub-number 1. Fire safety and added clarify-

ing language in items ‘c’ and ‘h.’ Sub-number 3. Health and sanitation, ref. to Retail Food Code was added. Sub-number 6. Heating and cooling, clarifying language and removed ref. to Part 6 Energy Code. Sub-number 11. A new sentence was added regarding sewage system design.

8. 2016 Intervening Cycle Supplement (BSCC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.

9. Erratum to correct editorial corrections to Chapter 13, Section 13-201(c)(2)(A): effective January 1, 2020.

10. (BSCC 01/22) Amend Chapter 13, Section 13-102. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective on July 1, 2024.

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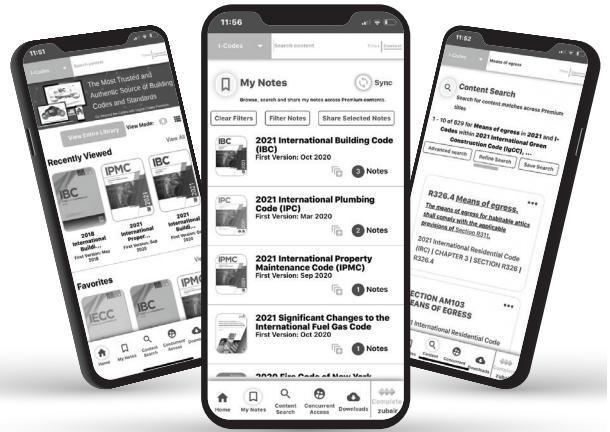


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