

CODE APPLICATION NOTICE

CODE SECTION:

Title 24, Part 2, California Building Code (CBC)

SECTION 3405 – CHANGE IN USE

No change shall be made in the character of occupancies or use of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy.

EXCEPTION: The character of the occupancy of existing buildings may be changed subject to the approval of the building official, and the building may be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

SECTION 420A.2 Application. New buildings and additions, alterations or repairs to existing buildings subject to licensure shall comply with applicable provisions of the California Electrical Code, California Mechanical Code, California Plumbing Code (Parts 3, 4 and 5 of Title 24) and this chapter.

EXCEPTIONS: 1. Facilities licensed and in operation prior to the effective date of this chapter shall not be required to institute corrective alterations or construction to comply with any new requirements imposed thereby or subsequently, except where specifically required or where the enforcing agency determines that a definite hazard to health and safety exists.

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INTERPRETATION:

In an effort to achieve compliance with the requirements of SB 1953, hospital facilities may consider removal of acute care services from nonconforming hospital buildings. The removal of acute care services may result in a change of the use or occupancy of a building, a change in the license, a change of the authority having jurisdiction, or a combination of these things.

When the removal of services also results in a change of occupancy group or division, compliance with current code requirements for the new occupancy or use may be required, pursuant to CBC Section 3405.

A change in the licensed services provided in the building, or a change of licensure of the facility, may also require compliance with current code requirements, pursuant to CBC Section 420A.2. Such a change may include, but is not limited to, conversion of beds on the existing acute care license from general acute to skilled nursing or acute psychiatric beds, or conversion

of the facility from a general acute care hospital to a skilled nursing facility, acute psychiatric hospital, or outpatient clinical services building.

Change of licensure of a building may require the building to change jurisdiction from OSHPD to the local building department. Because OSHPD only has statutory authority for the review of general acute care hospitals, skilled nursing or acute psychiatric services under the acute care hospital license, a separately licensed skilled nursing facility or acute psychiatric hospital, or buildings housing outpatient clinical services, as defined in Health and Safety Code Section 129725, a building must remain or be converted to one of these licensed services in order to remain under the jurisdiction of the Office. If a building is converted to uses other than those listed, it may not remain under the jurisdiction of the Office. A project must be submitted to OSHPD to remove the building from the jurisdiction of the Office and transfer jurisdiction to the local building department.

The following guidelines are intended to provide direction for determining when this change of use or licensure will require compliance with current code, and to what extent compliance will be required.

1. When acute care services are removed from a building which is intended to be used for skilled nursing or acute psychiatric services, and the new services will be licensed under the existing license of the general acute care hospital, the building need not be upgraded to comply with current code requirements, unless a specific fire risk or health and safety hazard exists. However, since the physical plant requirements for acute care hospital services differ from the physical plant requirements for acute psychiatric or skilled nursing services, the facility may need to be modified to comply with the applicable requirements for the new service. Any modifications will be required to comply with the current provisions of the California Building Standards Code, including CBC Chapters 420A, 421A, and 11B. An OSHPD permit will be required for any work performed.

The building will remain a Group I, Division 1.1 occupancy classification, so the requirements for change of use per Section 3405 are not a consideration, unless the Office determines there is an increased life or fire risk. Also, the facility remains licensed and in operation in accordance with Section 420A.2, exception 1, so there is no need to make any modifications other than to comply with the physical plant requirements of the new service, unless the Office determines that a definite hazard to health and safety exists.

2. When acute care services are removed from a building, and the new services provided in the building are issued a new license as a skilled nursing facility or acute psychiatric hospital, the building must be upgraded to comply with all current code requirements, including, but not limited to, the structural requirements of current code and physical plant requirements for the new service.

Although the building will remain a Group I, Division 1.1 occupancy, the new facility was not licensed and in operation as stipulated in CBC Section 420A.2. The facility therefore must comply with all current code requirements. An OSHPD permit will be required.

- 3. When acute care services are removed from a building which is intended to be used for outpatient clinical services on the existing acute care hospital license, and the building owner elects to keep the building under the jurisdiction of the Office, the building need not be upgraded to comply with current code requirements, unless a specific fire risk or health and safety hazard exists. Modifications may be required for the building to meet the current OSHPD 3 requirements of the code for the new use.

The building will change from a Group I, Division 1.1 occupancy to another occupancy classification, and could therefore be required to comply with current code based on Section 3405. However, the new use as outpatient clinical services is considered by the Office to be less hazardous than the previous hospital use, so the building will not be required to comply with current code requirements per the exception to Section 3405, unless the Office determines there is an increased life or fire risk. Since no change of licensure is needed, the building is not required to comply per Section 420A.2, unless the Office determines that a definite hazard to health and safety exists. An OSHPD permit will be required for any work done to achieve OSHPD 3 compliance.

- 4. When acute care services are removed from a building, and the building owner elects to remove the building from the jurisdiction of the Office, the local jurisdiction will be responsible for determining what code requirements are applicable, and what, if any, construction work may be required.

A project must be submitted to the Office to remove a building from OSHPD jurisdiction. This project must demonstrate that any adverse impacts upon the remaining hospital buildings have been mitigated. Adverse impacts may include, but are not limited to, structural, seismic separation, utilities and egress systems. Once this project has been approved, the Office will release jurisdiction of the building, notifying the building owner, the local building official and the Department of Health Services.

REASON:

This Code Application Notice is intended to clarify the requirements related to the conversion of buildings from acute care purposes to other uses.

ORIGINAL SIGNED

6/9/05

Kurt A. Schaefer

Date