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POLICY INTENT NOTICE (PIN)

SUBJECT

Request for Reopening a Closed Project

PIN: **56**

Effective: **2/7/2014**
Revised: **6/18/2020**

PURPOSE

This Policy Intent Notice (PIN) establishes a policy for submitting requests to reopen a project to close it in compliance. It also provides an assessment of the application fee to be charged to the health facility for each request.

BACKGROUND

It is important for the hospital to have a project closed in compliance for many reasons including, but not limited to the following:

- Substantiate seismic compliance
- Receive reimbursement from FEMA after a disaster
- Meet requirements for disclosure upon the sale or purchase of a building or facility
- Remove acute care services from a hospital building
- Place a building under the local jurisdiction
- Meet Department of Public Health (DPH) licensing and certification requirements
- Meet requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act

Projects, however, are sometimes closed without compliance under the following circumstances:

- Inactive Closure – projects with periods of inactivity which exceed the regulatory time frames during plan review or construction.
- Non-CAC Compliance Closure – projects for which administrative paperwork has not been received after construction is final, such as Verified Compliance Reports or Final Certified Cost.
- Non-CBSC Compliance Closure – projects that have outstanding California Building Standards Code (CBSC) violations which remain uncorrected. These project closures are also reported to DPH, Licensing and Certification for appropriate action.

Hospitals may need to resolve issues of noncompliance for projects that were closed under one of the above three conditions in order to bring the project in to full compliance and closure. Currently, there is no provision in statute or regulations for “reopening” a closed project, therefore the Facilities Development Division will follow this policy when a hospital requests to “reopen” a project that was closed without compliance.

POLICY

Hospitals may request a noncompliant closed project "reopened" for the purpose of obtaining compliance and closure by submitting a "Re-Open Closed Project" (RCP) application via eServices Portal (https://esp.oshpd.ca.gov/citizenaccess). Fees will be assessed as specified in this policy. The request to re-open will be evaluated and a project (original or new) will be required to complete the closure in compliance, as described below:

- Projects which can be reopened and closed with administrative paperwork only, such as missing Verified Compliance Report(s) and/or Final Certified Cost(s), and projects that were closed due to inactivity which exceed the regulatory time frames during plan review (and no refund taken) may be reopened with the old number. The $250 RCP application fee will be charged but no additional fee will be assessed as there is no construction work related with the project.

  Exception: Projects that require the Office to conduct more extensive research involving archival materials, site visits, files, documents, plans and/or other instruments of service to determine and verify the reason for "closure without compliance" will be evaluated on a case-by-case basis. The RCP fee for these projects will be based on "time and material."

- Projects which are determined to require construction may require a new project to be submitted in addition to the Application for RCP. The OSHPD Regional Compliance Officer will evaluate the request to re-open the project and make a determination whether the original project can be re-opened and completed as originally approved or whether a new project must be submitted to complete the construction on the original project. If a new project is required to complete the original project, the new project will be required to comply with the current code in effect at the time the project is submitted (reference OSHPD Code Application Notice (CAN) 1-0, Enforceable Codes). The RCP fee will be $250 application fee and "time and material" fees assessed for extensive research involving archival materials, site visits, files, documents, plans and/or other instruments of service to determine and verify the reason for "closure without compliance." The new project fees will be based on construction cost in addition to a $250 application fee. When the new project is completed and closed in compliance, the original project will be re-opened and closed in compliance as well.

  All other projects must be evaluated by the office on a case-by-case basis. An application fee of $250 will be required plus research fees based on "time and materials." These projects include, but are not limited to, projects for which construction was not completed but the space has been subsequently remodeled such that the original project cannot be re-opened and the construction completed in accordance with the intent of the original drawings. Where project scope can be reduced to reflect the completed construction, the original project will be re-opened, and an Amended Construction Document must be submitted for review and approval. Each request will be reviewed on a case-by-case basis by the RCO and

a determination of the strategy required to close the original project in compliance will be communicated to the applicant.

- See the instructions for submitting an Application to Re-Open Closed Projects.

Original signed	06/18/2020
Paul Coleman	Date