OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
FACILITIES DEVELOPMENT DIVISION

RECEIVED

Application for Unreasonable Hardship Exception to Accessibility Requirements

Facility

Project # _____ Applicant Tracking Number _____

Facility # _____ Facility Name _____

OSHPD Building # BLD - _____ Building Name _____

Type of Facility ❑ Acute Psychiatric Hospital ❑ General Acute Care Hospital ❑ Skilled Nursing or Intermediate Care Facility
❑ Correctional Treatment Center ❑ Licensed Clinic

Record Detail

Record/Project Name _____

Detailed Description

Application Specific Information – Unreasonable Hardship Exception to Accessibility Requirements

Submittal of this form constitutes a request for determination of Unreasonable Hardship and exception to the accessibility requirements of Chapter 11B of the California Building Code, as specifically noted below.

This request for determination of Unreasonable Hardship is for: (check one)

❑ a project under the "Valuation Threshold", as specified in Section 1134B.2 of the CBC (complete Valuation Threshold sections).

❑ other projects, pursuant to the definition of "Unreasonable Hardship" in Section 202, CBC (complete Unreasonable Hardship section).

Cost

Cost Type ❑ Estimated
❑ Contract

Construction Costs
*(**including** fixed equipment, **excluding** design and inspection fees)* $ _____

Valuation Threshold

Exception for projects under the valuation threshold identified in Section 1134B.2 of the CBC

Applicable to projects in existing buildings where the construction cost for all projects in the same area of the building over the last three years does not exceed the valuation threshold amount.

Building element required to be accessible	**Does this element meet current access requirements of Chapter 11B, CBC?**	**If no, will this element be made accessible as part of this project?**	**Cost of making element accessible** (attach documentation)
Entrance			$
Path of travel to area of alteration			$
Sanitary facilities (separate for each sex)			$
Public telephone			$
Drinking fountain			$
Additional elements			$

Total cost of accessible elements $ 0.00 (A)

Total cost of construction for this project and all other projects performed during the last 3 years
NOTE: If this amount exceeds the Valuation Threshold, exception 1 of Section 1134B.2 of the CBC does not apply $ _____ (B)

Cost of accessible elements as a percentage of total project cost
(A) / (B) x 100
NOTE: If this amount is less than 20%, all elements must be accessible _____ %

Description of accessible elements proposed to be provided in lieu of full code compliance

Application for Unreasonable Hardship Exception to Accessibility Requirements

Valuation Threshold

Alteration projects completed in the past three years are included in the total construction cost for determining unreasonable hardship for projects under the Valuation Threshold. List all projects completed in the last three years on the same path of travel that have been completed without providing accessibility to items listed above.

OSHPD Project #	Permit Date	Description	Valuation
			$
			$
			$

Unreasonable Hardship

Exception for projects meeting the definition of Unreasonable Hardship in Section 202 of the CBC

Exception requested for Code Section	Description of element required to be accessible	Is Equivalent Facilitation Required?	Cost of making element accessible (attach documentation)
			$ 0.00
			$
			$
			$

Total cost of accessible elements for which exception is requested $ 0.00

Description of equivalent facilitation proposed

Cost of all construction contemplated $

Description of the impact of providing access on the financial feasibility of the project

Description of the nature of accessibility that would be gained or lost

Applicant

This Application for Unreasonable Hardship Exception to Accessibility Requirements is being submitted by the

❑ Administrator ❑ Architect ❑ Facility Representative ❑ Legal Owner

Printed Name _____ Signature _____ Date _____

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❑ **Request Granted**

❑ Exception based on Section 1134B.2 of the CBC. Provide accessible elements listed in the Valuation Threshold section of this form, up to 20% of the total construction cost of the project.

❑ Exception to Section(s) _____ of the CBC is granted. All other accessible elements, as well as equivalent facilitation descriped in the Unreasonable Hardship section of this form must be provided.

❑ **Request Denied**

Remarks _____

If you disagree with this determination, you may seek an appeal with the Hospital Building Safety Board *(Refer to Section 7-159 of the California Administrative Code for procedures)*.

Reviewed by _____ Title _____

Signature _____ Date _____

INSTRUCTIONS FOR APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION TO ACCESSIBILITY REQUIREMENTS

(OSH-FD-800)

Facility

- Enter the Office of Statewide Health Planning and Development (OSHPD) project number.
- Provide the applicant tracking number, if applicable.
- Enter the OSHPD facility identification number.
- Enter the name of the facility as it appears on the facility license.
- Enter the OSHPD building number and building name where the work is to be performed.
- Indicate the type of facility as it is licensed.

Record Detail

- Enter the record/project name.
- Enter a detailed description of the work to be performed.

Application Specific Information – Unreasonable Hardship Exception to Accessibility Requirements

Note: New and existing facilities, where alterations are performed, must comply with the accessibility requirements of Chapter 11B of the California Building Code (CBC). Exceptions are provided for "Unreasonable Hardship" for the following circumstances:

(A) Remodel projects, where the cumulative construction cost of all projects in the remodel area for the past years does not exceed the "Valuation Threshold" specified in Section 1134B.2.1, exception 1 of the CBC (as of January 1, 2010, the threshold is $128,410.86, and is adjusted annually).

(B) Unreasonable Hardship may also be granted for projects based on the five criteria listed in the definition of "Unreasonable Hardship" in Section 202 of the CBC.

- Indicate which exception this application is to be made. If requesting exception under the Valuation Threshold, complete the Valuation Threshold sections, **or** if requesting exception pursuant to the definition of Unreasonable Hardship, complete the Unreasonable Hardship section.

Cost

- Indicate whether the cost indicated is estimated or contract.
- Enter the construction cost of the project including fixed equipment to be permanently attached (electrically, mechanically or structurally) to the building, imaging equipment, and excluding design and inspection fees.

Valuation Threshold

Note: For projects under the Valuation Threshold, the CBC allows a determination of Unreasonable Hardship to be made when the cost of providing the specific accessible elements listed in Section 1134B.2.1 (primary entrance, path of travel, sanitary facilities, accessible telephones, and accessible drinking fountains) is considered disproportionate to the cost of the project. As defined in Section 1134B.2.1, the cost of providing those accessible features is considered to be "disproportionate" when it exceeds 20% of the cost of the project without providing those accessible elements.

- Indicate if the listed building elements that are required to be accessible currently meet the access requirements of Chapter 11B of the CBC, if they will be made to comply with the accessibility requirements as part of this project, and the cost of making the element accessible, if applicable.
- Provide the total cost of the specified accessible elements, and the total cost of all alterations projects on the same path of travel during the past three years.

INSTRUCTIONS FOR APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION TO ACCESSIBILITY REQUIREMENTS (continued)

(OSH-FD-800)

- Using the provided formula, provide the percentage of the cost expended on accessible elements. If this number is less than 20%, Unreasonable Hardship may not be determined based on this section. If the applicant believes that Unreasonable Hardship still exists, complete the Unreasonable Hardship section. If this number exceeds 20%, Unreasonable Hardship may be determined based on this section. The listed accessible elements must be provided in the order listed in 1134B.2.1 exception, until the facility reaches the 20% threshold.
- Describe which elements will be made accessible as a part of this project.
- Provide additional documentation as required, to demonstrate costs of specific accessible elements.
- Provide a listing of all projects completed in the last three years for which a minimum of 20% of construction costs were not spent on providing accessible elements. Provide the OSHPD project number, permit date, project description, and valuation of the project. If additional space is needed, attach a separate sheet to this application.

Unreasonable Hardship

Note: Unreasonable Hardship may also be based on the definition of "Unreasonable Hardship" from Section 202 of the CBC. The code allows a determination of Unreasonable Hardship to be made after evaluating a number of factors.

- Provide the code section for which the exception is requested, a description of the element required to be accessible, whether or not the code requires equivalent facilitation, and the cost of making the elements accessible.
- Provide the total cost of accessible elements for which exemption is requested.
- Describe equivalent facilitation, if proposed. The code addresses equivalent facilitation differently in different sections. In some cases, the code specifies what is acceptable as equivalent facilitation. In others, the code simply says that Unreasonable Hardship may be granted when equivalent facilitation is provided, but does not specify what form equivalent facilitation may take. When legal or physical constraints will not allow either compliance with the literal requirements of a code section or equivalent facilitation, then Unreasonable Hardship may be requested for relief from that code section.
- Provide the cost of all construction contemplated.
- Describe the impact of providing access on the financial feasibility of the project.
- Describe the nature of accessibility that would be gained or lost.

Applicant

- Indicate if this application is being submitted by the Administrator, Architect, Facility Representative, or the Legal Owner, and print, sign and date.

For construction in Northern California, Seismic Review and Clinics, submit to:

Office of Statewide Health Planning and Development
Facilities Development Division
2020 W. El Camino Ave., Suite 800
Sacramento, CA 95833
(916) 440-8300 phone
(916) 324-9188 fax

For construction in Southern California, submit to:

Office of Statewide Health Planning and Development
Facilities Development Division
355 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
(213) 897-0166 phone
(213) 897-0168 fax