

# REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

Use this form to request a finding of unreasonable hardship for a project with an Adjusted Construction Cost exceeding the Valuation Threshold. A hardship finding will provide relief from full compliance with the *path of travel* requirements of CBC section 11B-202.4. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, additions or structural repairs. DSA shall approve proposed alternate compliance, to be included as part of this request.

PROJECT INFORMATION	
School District/Owner/Agency:	DSA File #: -
Project Name/School:	DSA App. #: -

APPLICANT		
Firm Name:	Contact Name:	
Work Phone:	Work Email:	
Work Address:		
City:	Zip:	County:

DESIGN PROFESSIONAL IN GENERAL RESPONSIBLE CHARGE		
Name of Design Professional in General Responsible Charge:		
Professional License #:	Discipline:	
Facilities Director (or appropriate contact):		
Work Phone:	Work Email:	
Project Location:		
Project Address:		
City:	Zip:	County:

### APPLICANT'S STATEMENT OF RESPONSIBILITY

*I certify, under penalty of perjury, that I am acting for the School District/Owner/Agency in the legal capacity of agent making application for Finding of Unreasonable Hardship.*

Signature:

DESIGN PROFESSIONAL IN GENERAL RESPONSIBLE CHARGE

Printed Name:

DESIGN PROFESSIONAL IN GENERAL RESPONSIBLE CHARGE

**REQUEST FOR FINDING OF UNREASONABLE HARDSHIP**

**CBC, CHAPTER 11B**

**11B-202.4 Path of travel requirements in alterations, additions and structural repairs.**

**Exception 8:** *When the adjusted construction cost exceeds the current valuation threshold, as defined in Chapter 2, Section 202, and the enforcing agency determines the cost of compliance with Section 11B-202.4 is an unreasonable hardship, as defined in Chapter 2, Section 202, full compliance with Section 11B-202.4 shall not be required. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions.*

**DESCRIBE THE NATURE OF THE USE OF THE FACILITY UNDER CONSTRUCTION AND ITS AVAILABILITY TO PERSONS WITH DISABILITIES:** *Attach additional pages if necessary.*

**DESCRIBE THE NATURE OF ACCESSIBILITY THAT WOULD BE GAINED (BY FULL COMPLIANCE) AND LOST (BY PROPOSED ALTERNATE COMPLIANCE):** *Attach additional pages if necessary.*

**IS THE PROJECT A QUALIFIED HISTORICAL BUILDING OR FACILITY, AS DEFINED IN THE CALIFORNIA HISTORICAL BUILDING CODE WHERE PROVIDING COMPLIANCE WILL THREATEN THE HISTORIC NATURE OF THE BUILDING?:** *If yes please describe. Attach additional pages if necessary.*

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<b>CONSTRUCTION COSTS:</b>		
Construction cost for proposed project (not including costs of improvements to the <i>path of travel</i> to the area of alteration):	\$	(A)
Cost of alterations to areas on this <i>path of travel</i> undertaken during the preceding three-year period which did not provide an accessible <i>path of travel</i> to the area of alteration (as applicable):	\$	(B)
Adjusted construction cost (C) = (A) + (B)	\$	(C)

<b>PATH OF TRAVEL CONSTRUCTION COSTS:</b>				
Elements serving the area of alteration based on priority	Is element in compliance with Chapter 11B? (Y/N)	If no, will element be upgraded to Chapter 11B? (Y/N)	Estimated cost of full compliance with Chapter 11B	Proposed cost of partial compliance with Chapter 11B
1. An accessible entrance			\$	\$
2. An accessible route to the altered area			\$	\$
3. At least one accessible restroom for each gender or a single accessible unisex restroom			\$	\$
4. Accessible public telephones			\$	\$
5. Accessible drinking fountains			\$	\$
6. When possible, additional accessible elements such as:				
a. Parking			\$	\$
b. Signs			\$	\$
c. Storage			\$	\$
d. Alarms			\$	\$
e. Other			\$	\$
Total cost of providing full compliance of <i>path of travel</i> elements:			\$	(D)
Total cost of providing partial compliance of <i>path of travel</i> elements:				\$ (E)

<b>COST OF PATH OF TRAVEL UPGRADES AS A PERCENTAGE OF ADJUSTED CONSTRUCTION COST:</b>		
Full compliance of path of travel as % of adjusted construction cost: $(F)\% = (D) / (C)$	%	(F)
Partial compliance of path of travel as % of adjusted construction cost: $(G)\% = (E) / (C)$	%	(G)

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**DESCRIBE THE IMPACT ON THE FINANCIAL FEASIBILITY OF THE PROJECT WHEN THE COST OF PROVIDING FULL COMPLIANCE WITH CHAPTER 11B STANDARDS EXCEEDS 20%:** *Attach additional pages if necessary.*

**DESCRIBE THE EQUIVALENT FACILITATION PROVIDED (IF APPLICABLE):** *Attach additional pages if necessary.*

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**DSA USE ONLY**  
*The details of any finding of unreasonable hardship will be recorded in the DSA project file.*

**FINDING OF UNREASONABLE HARDSHIP REQUEST GRANTED**

Elements listed in this form for modifications to meet compliance shall be included as part of this project and indicated on contract documents.

**FINDING OF UNREASONABLE HARDSHIP REQUEST DENIED**

Equivalent facilitation is not provided  
 Compliance to the greatest extent possible is not provided.  
 Proposed cost for minimum compliance is less than 20% of the adjusted construction cost.  
 Other

If you disagree with this determination, the DSA code appeal process is available for further review.

**REVIEWED BY**

Name:	Title:
Signature:	Date:

**SUPERVISOR'S APPROVAL**

Name:	Title:
Signature:	Date:

**REFERRED TO STATEWIDE TEAM**       Yes       No

Finding of Unreasonable Hardship Request Denied.

Finding of Unreasonable Hardship Request Approved.

**REASON FOR APPROVAL OR DENIAL**

**REQUEST FOR FINDING OF UNREASONABLE HARDSHIP**

**INSTRUCTIONS**

This form is used to request a finding of unreasonable hardship for:

- Projects at school sites on K-12 and community college campuses.
- State universities and state-owned-and-operated properties where state funds are utilized in whole, or in part, for any building or facility.

**METHOD FOR DETERMINING *PATH OF TRAVEL* UPGRADES AS A PERCENTAGE OF ADJUSTED CONSTRUCTION COST:**

**(A) Determine construction cost for the proposed project:**

Cost includes:

- All direct or “hard” costs directly associated with the contractor’s construction of the project (including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit).
- All fees and reimbursable expenses paid to construction managers, if any.

The direct or “hard” costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability.

Cost does not include:

- Project management fees and expenses.
- Architectural and engineering fees.
- Testing and inspection fees.
- Utility connection or service district fees.
- The cost of alterations to *path of travel* elements; see item (D) and (E).

In some circumstances *path of travel* elements may be within the area of alteration, for example: a suite of offices with toilet facilities located in the area of alteration; the cost of altering the toilet facilities is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

**(B) As applicable, determine cost of alterations on this *path of travel* undertaken during the preceding three-year period which did not provide an accessible *path of travel* to the area of alteration:**

The obligation to provide an accessible *path of travel* may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

**(C) Determine total adjusted construction cost where  $(C) = (A) + (B)$ .**

**(D) Determine estimated cost of *full compliance of path of travel* elements not within the area of alterations, additions or structural repairs:**

In the circumstance where *path of travel* elements are located within the area of alteration, the cost for improvements of those elements is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

**(E) Determine estimated cost of proposed partial compliance of *path of travel* elements not within the area of alterations, additions or structural repairs:**

In the circumstance where *path of travel* elements are located within the area of alteration, the cost for improvements of those elements is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

**(F) Determine full compliance of *path of travel* improvements as a percentage of adjusted construction cost where  $(F) \% = (D) / (C)$ .**

(F) Must be over 20%; and (C) must be disproportionate to (E) to be an unreasonable hardship.

**(G) Determine proposed partial compliance of *path of travel* improvements as a percentage of adjusted construction cost**

where  $(G) \% = (E) / (C)$ .

(G) Must be at or over 20%; and compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship.