

91017 Existing Facility Application for Certificate of Necessity

(a)

Pursuant to the provisions of Section 1260 of the Health and Safety Code, the right of eminent domain exercised by an existing nonprofit hospital shall be initiated by filing with the Department an application for a Certificate of Necessity on forms provided by the Department. A written notice of such application and of the intention to exercise the right of eminent domain shall be given to: (1) All owners of real property affected. (2) All reasonably discernible occupants of real property affected. (3) All reasonably discernible occupants of property within 1000 yards of the real property affected.

(1)

All owners of real property affected.

(2)

All reasonably discernible occupants of real property affected.

(3)

All reasonably discernible occupants of property within 1000 yards of the real property affected.

(b)

The written notice shall specify a location in the area within which the hospital is located where a copy of the application and supporting documents shall be

maintained for public inspection.

(c)

At least one copy of the application and supporting documents shall be available for public inspection at the place specified between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. for a period of at least 15 days previous to the hearing.

(d)

If 10 percent or more of the residents of the area in which the hospital is located speak a language other than English as their primary language, such written notice shall be in both English and the other language.

(e)

Enclosures to the application shall include: (1) Copy of Treasury Department and Franchise Tax Board certification of hospital's nonprofit status and exemption from federal and state income tax. (2) The following information regarding existing property: (A) Official map showing legal description and boundaries, and a written and pictorial description of the present property, including location and size of existing buildings. (B) Date property was acquired. (C) Capital investment of property. (D) Appraised value of property. (3) The following information regarding community patient service provided by present hospital: (A) Licensed bed capacity. (B) Brief description of types of service available. (C) Admissions and patient days per year by place of residence. (D) Outpatient clinic visits (if applicable) per year. (E) Number of staff physicians and geographic areas from which physicians are drawn. (F) Number of other employees in each job classification. (G) Maximum number of employees on hospital property at one time. (4) The following information regarding inadequacy of the present property and of alternatives to acquisition. (A) Detailed description of the deficiencies of

the present physical property in relation to the function it performs or proposes to perform. (B) Detailed explanation of the ability or inability to perform such functions. (C) Description of the effect of the deficiencies of the present property on the delivery of health care services in the community. (D) Description of reasonably available alternatives to the project and the proposed location which might correct or alleviate the effect of such deficiencies and explanation for rejection of each alternative. (E) Description of other property owned or held under long-term lease by the hospital within the county in which the proposed project is located, and explanation for the rejection of that property for construction of the proposed project. (5) The following information regarding the property on which condemnation is desired: (A) Official map showing legal description, boundaries and relationships to present property. (B) Buildings and other improvements, and a detailed description of their current use. (C) Detailed description of proposed use of property, including specific activities to be conducted on the site and projected completion date of any construction necessary should acquisition take place. (D) Detailed description of efforts to acquire property without condemnation, including: 1. Duration of negotiations. 2. Individuals involved. 3. Amounts and dates of any offers or counteroffers made on sale price of property. 4. Available information on appraised value of property. 5. Property owner's reasons for refusal to sell if other than disagreement on price. 6. Description of projected plans for development or expansion by the hospital to be commenced within 10 years from application other than those presented in the application. (6) Resolution of hospital board of directors including: (A) Statement of board's opinion that public interest and necessity require acquisition of property. (B) Statement of board's familiarity with content of application, including all attachments thereto. (C) Board's authorization for application. (7) Report of

impact of proposed expansion upon delivery of health care services in community.

(8) Final Environmental Impact Report, or Negative Declaration pursuant to Section 1415083 of Title 14 of the California Administrative Code. (9) Affidavit of service of notice as required in (a) above.

(1)

Copy of Treasury Department and Franchise Tax Board certification of hospital's nonprofit status and exemption from federal and state income tax.

(2)

The following information regarding existing property: (A) Official map showing legal description and boundaries, and a written and pictorial description of the present property, including location and size of existing buildings. (B) Date property was acquired. (C) Capital investment of property. (D) Appraised value of property.

(A)

Official map showing legal description and boundaries, and a written and pictorial description of the present property, including location and size of existing buildings.

(B)

Date property was acquired.

(C)

Capital investment of property.

(D)

Appraised value of property.

(3)

The following information regarding community patient service provided by present hospital: (A) Licensed bed capacity. (B) Brief description of types of service available. (C) Admissions and patient days per year by place of residence. (D) Outpatient clinic visits (if applicable) per year. (E) Number of staff physicians and geographic areas from

which physicians are drawn. (F) Number of other employees in each job classification.

(G) Maximum number of employees on hospital property at one time.

(A)

Licensed bed capacity.

(B)

Brief description of types of service available.

(C)

Admissions and patient days per year by place of residence.

(D)

Outpatient clinic visits (if applicable) per year.

(E)

Number of staff physicians and geographic areas from which physicians are drawn.

(F)

Number of other employees in each job classification.

(G)

Maximum number of employees on hospital property at one time.

(4)

The following information regarding inadequacy of the present property and of alternatives to acquisition. (A) Detailed description of the deficiencies of the present physical property in relation to the function it performs or proposes to perform. (B) Detailed explanation of the ability or inability to perform such functions. (C) Description of the effect of the deficiencies of the present property on the delivery of health care services in the community. (D) Description of reasonably available alternatives to the project and the proposed location which might correct or alleviate the effect of such deficiencies and explanation for rejection of each alternative. (E) Description of other property owned or held under long-term lease by the hospital within the county in

which the proposed project is located, and explanation for the rejection of that property for construction of the proposed project.

(A)

Detailed description of the deficiencies of the present physical property in relation to the function it performs or proposes to perform.

(B)

Detailed explanation of the ability or inability to perform such functions.

(C)

Description of the effect of the deficiencies of the present property on the delivery of health care services in the community.

(D)

Description of reasonably available alternatives to the project and the proposed location which might correct or alleviate the effect of such deficiencies and explanation for rejection of each alternative.

(E)

Description of other property owned or held under long-term lease by the hospital within the county in which the proposed project is located, and explanation for the rejection of that property for construction of the proposed project.

(5)

The following information regarding the property on which condemnation is desired:(A)

Official map showing legal description, boundaries and relationships to present property. (B) Buildings and other improvements, and a detailed description of their current use. (C) Detailed description of proposed use of property, including specific activities to be conducted on the site and projected completion date of any construction necessary should acquisition take place. (D) Detailed description of efforts to acquire property without condemnation, including: 1. Duration of

negotiations. 2. Individuals involved. 3. Amounts and dates of any offers or counteroffers made on sale price of property. 4. Available information on appraised value of property. 5. Property owner's reasons for refusal to sell if other than disagreement on price. 6. Description of projected plans for development or expansion by the hospital to be commenced within 10 years from application other than those presented in the application.

(A)

Official map showing legal description, boundaries and relationships to present property.

(B)

Buildings and other improvements, and a detailed description of their current use.

(C)

Detailed description of proposed use of property, including specific activities to be conducted on the site and projected completion date of any construction necessary should acquisition take place.

(D)

Detailed description of efforts to acquire property without condemnation, including: 1. Duration of negotiations. 2. Individuals involved. 3. Amounts and dates of any offers or counteroffers made on sale price of property. 4. Available information on appraised value of property. 5. Property owner's reasons for refusal to sell if other than disagreement on price. 6. Description of projected plans for development or expansion by the hospital to be commenced within 10 years from application other than those presented in the application.

1.

Duration of negotiations.

2.

Individuals involved.

3.

Amounts and dates of any offers or counteroffers made on sale price of property.

4.

Available information on appraised value of property.

5.

Property owner's reasons for refusal to sell if other than disagreement on price.

6.

Description of projected plans for development or expansion by the hospital to be commenced within 10 years from application other than those presented in the application.

(6)

Resolution of hospital board of directors including: (A) Statement of board's opinion that public interest and necessity require acquisition of property. (B) Statement of board's familiarity with content of application, including all attachments thereto. (C) Board's authorization for application.

(A)

Statement of board's opinion that public interest and necessity require acquisition of property.

(B)

Statement of board's familiarity with content of application, including all attachments thereto.

(C)

Board's authorization for application.

(7)

Report of impact of proposed expansion upon delivery of health care services in community.

(8)

Final Environmental Impact Report, or Negative Declaration pursuant to Section of

Title 1415083 of Title 14 of the California Administrative Code.

(9)

Affidavit of service of notice as required in (a) above.