

# CALIFORNIA'S NEW BALCONY INSPECTION LAW

## *What You Should Know*

By Shari Fykes, Client Manager

On June 16, 2015, six people died, and seven others were injured in a tragic residential balcony collapse in Berkeley, California. Structural analysis revealed that the wood framing of the balcony was severely weakened by dry rot from rainwater penetration due to improper sealing of the balcony to the main building.

In response, California enacted Senate Bill 721 ("The Balcony Bill" or "SB 721") on September 17, 2018. SB 721 (Chapter 445, Stats. 2018) requiring the inspection of balconies and other "exterior elevated elements" at all multi-family residential buildings with three or more units. Frequent questions concerning the bill are discussed below, though the full bill should be reviewed to assure compliance with the requirements.

Though no immediate action is required in most cases, property buyers, investors, and lenders may consider review of related reports in connection with future transactions.

### **Frequently Asked Questions:**

#### **What is an "elevated exterior element"?**

- Elevated exterior elements include balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building, including their supports and railings.

#### **What buildings will require inspection?**

- Any building with more than two residential units must be inspected unless:
  - There are no elevated exterior elements intended for human occupancy more than six feet above ground level, or
  - Structural support or stability of exterior elevated elements does not rely on wood or wood-based products in whole or in substantial part.
- Common interest developments are excluded from the requirements, however any building subject to requirements that is that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, must be inspected prior to first close of escrow.

#### **Do you have to inspect my entire property?**

- The law requires evaluation of at least 15 percent of each type of exterior elevated element. Load-bearing components and associated waterproofing elements must be evaluated by direct visual examination or comparable means. Note that the requirement extends to 15% of each element, not 15% of buildings or units. Buildings that have more than one type of balcony, for example, may require evaluation of 15% of each type of balcony.

#### **What is the deadline for inspection?**

- The first inspection must be completed before January 1, 2025, and subsequent inspections are required every 6 years after January 1, 2025, or by or before January 1, 2031.

#### **Who can perform the inspection?**

- Inspection can be performed by a licensed civil or structural engineer, licensed architect, General Contractor holding A, B, or C-5 licenses, with at least 5 years' experience in constructing multistory wood frame buildings, or a certified building inspector or official not employed by the local jurisdiction while performing these inspections.

#### **What will happen after the inspection?**

- The owner and local enforcement agency must be notified of any conditions that pose an immediate hazard to occupant safety within 15 days, and emergency repairs completed within a specified time. Nonemergency must also be reported to the owner and local enforcement agency but may be completed within 120 days. [AA](#)

Join us on June 18, 2019 from 10:00 a.m. to Noon at the Apartment Association's offices for a free seminar on the new balcony inspection law. See page 16, "Mark Your Calendar" for more information.

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