



## Exterior Elevated Elements (Balcony Inspection Bill; Senate Bill 326) Common Interest Developments (Condominiums)

On August 30, 2019, California passed [Senate Bill No. 326](#), also known as the "Balcony Inspection Bill" or "Exterior Elevated Elements (E3) Bill" was signed into law for common interest developments. This bill requires an inspection of exterior elevated elements and associated waterproofing elements that are elevated more than six feet above ground level for buildings with three or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer. The bill requires the inspections, including any necessary testing, to be completed by **January 1, 2025**, then once at least every nine years following that initial inspection. This bill is in response to a balcony collapse at an apartment complex at UC Berkeley in 2015, which tragically claimed the lives of six students.

“Exterior elevated element” means the following types of structures, including their supports and railings:

- ▣ Balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building.
- ▣ Have a walking surface that is elevated more than six feet above ground level.
- ▣ Designed for human occupancy or use, and
- ▣ Rely in whole or in substantial part on wood or wood- based products for structural support or stability of the exterior elevated element.

The following information was prepared to address frequently asked questions and to summarize the requirements of this bill. This information is not a replacement for complete review and understanding of the law, please consult a licensed professional for any questions related to compliance requirements.

### What buildings are subject to Senate Bill No. 326?

This bill requires the association of a condominium project to cause a reasonably competent and diligent visual inspection of exterior elevated elements. Defined as the load-bearing components and associated waterproofing systems, as specified, to determine whether the exterior elevated elements are in a generally safe condition and performing in compliance with applicable standards. Owners of common interest developments (condominiums) with three or more units are subject to the law if their buildings have wood-framed exterior elevated elements that are located more than six feet above the adjacent grade—such as balconies, walkways, decks, landings, railings, or stairways. For new condominium associations (any new building that had a building permit application submitted after January 1, 2020), the first inspection deadline is within six years of obtaining a certificate of occupancy. Subsequent inspections have the same cycle as existing buildings, once every nine years.

### Does this law apply to apartment and condominium buildings?

There are separate laws for apartment buildings and condominium buildings. [Senate Bill No. 326](#) applies to condominium buildings, while [Senate Bill No. 721](#) applies to apartment buildings. The bills are very similar; however, there are differences. For apartment buildings, visit the City’s apartment page.

### Who is responsible for fulfilling the requirements of Senate Bill No. 326?

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The bill states that the association is responsible for fulfilling the requirements, including the safety inspection of the exterior elevated elements and the maintenance and/or repair.

### Why did I receive a notice as a condominium owner?

The City is encouraging owners to share the notice with their HOA representatives and property managers to promote awareness and support their efforts to comply with the requirements of the law. Condominium owners are not directly responsible for completing the inspection or any required repairs pursuant to Senate Bill No. 326. The City is also encouraging condominium owners to review the inspection report once it is completed to understand if their unit is affected, particularly if any immediate safety issues have been identified and what repairs may be needed.

### Who performs the required safety inspections?

A current employee of the City of Downey cannot perform the safety inspection. The inspection must be performed by a:

- Licensed architect; or
- Licensed civil or structural engineer

### What does the inspection involve?

The purpose of the required inspection is to determine whether exterior elevated elements (balconies, walkways, decks, landings, railings, or stairways) and associated waterproofing materials and methods are in a generally safe condition, adequate working order, and free from any hazardous conditions caused by fungus, deterioration, decay, or improper alteration to the extent that the safety of the occupants, or welfare of the public is not endangered.

At least once every nine years, an inspector shall perform visual inspections of the elements defined above. If during the visual inspection the inspector observes building conditions indicating that unintended water or water vapor has passed into the associated waterproofing system, thereby creating the potential for damage to the load-bearing components, the inspector may conduct a further inspection. The inspector shall exercise their best professional judgment in determining the necessity, scope, and breadth of any further inspection.

### What are the next steps after the inspection?

The licensed professional will produce a report that includes their findings along with photos sufficient to document the conditions of the exterior elevated elements. The licensed professional must provide a stamped/signed written report to the association board within 45 days upon completion of the inspection. The association must keep inspection reports available for two inspection cycles, or at least 18 years.

The licensed professional shall issue a written report containing the following information:

1. The identification of the building elements comprising the load-bearing components and associated waterproofing system.

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2. The current physical condition of the load-bearing components and associated waterproofing system, including whether the condition presents an immediate threat to the health and safety of the residents.
3. The expected future performance and remaining useful life of the load-bearing components and associated waterproofing system.
4. Recommendations for any necessary repair or replacement of the load-bearing components and associated waterproofing system.

**What are the next steps if the report identifies a condition that requires immediate repairs?**

If there are any findings or recommendations that require immediate repairs and/or an immediate threat to the safety of the occupants or the public, the licensed professional must provide a copy of the report to the association immediately and to the City's Building Division within 15 days of completing the report. **The association must take measures immediately, including preventing occupant access to the exterior elevated element until repairs have been inspected and approved by the Building Division.** Please notify the Building Division by emailing [BuildingDept@downeyca.org](mailto:BuildingDept@downeyca.org), use *Exterior Elevated Elements* in the subject line. A building permit for repairs can be applied for online using the City's permitting portal, [Accela Citizens Access \(ACA\)](#).

**What are the next steps when normal corrective work is required?**

If an exterior elevated element requires corrective work and a licensed professional deems that it does not pose an immediate threat to the safety of the occupants or general public, the association must apply for a building permit within 120 days and correct the condition within 120 days of the permit being issued. The bill authorizes local enforcement agencies to recover enforcement costs associated with these requirements from the association. The bill authorizes the association board to enact rules or bylaws imposing requirements greater than those imposed by these provisions.

**When should a report be submitted?**

The bill requires the inspector to provide a copy of the inspection report to the association immediately upon completion of the report, and to the local code enforcement agency within 15 days of completion of the report, if the inspector advises that the exterior elevated element poses an immediate threat to the safety of the occupants and/or the public.

The licensed professional who conducts the inspection must submit a stamped/signed inspection report to the City's Building Division by emailing: [BuildingDept@downeyca.org](mailto:BuildingDept@downeyca.org), use *Exterior Elevated Elements* in the subject line.

**Do I need to submit a report if repairs are not required?**

To verify the required inspection has been completed, the inspection report must be kept on file at the property to prove compliance with the law during routine inspections or during a complaint investigation. The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with the law is the responsibility of the association. **A report is not required to be sent to the City of Downey Building Division if immediate repairs are not required.**

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## How do I submit a report to the Building Division?

To submit a stamped and signed report, please contact the City's Building Division by emailing: [BuildingDept@downeyca.org](mailto:BuildingDept@downeyca.org), use Exterior Elevated Elements in the subject.

## How do I apply for a building permit?

Building permits can be applied for online using the City's permitting portal, City's permitting portal, [Accela Citizens Access \(ACA\)](#).

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